

FIFTY FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia
Saturday, March 9, 2019

March 7, 2019

The Senate was called to order at 9:05 a.m. by the President of the Senate, Lt. Governor Habib presiding. The Secretary called the roll and announced to the President that all senators were present.

The Sergeant at Arms Color Guard consisting of Mr. Endalkachew Abebaw and Miss Jessica Thom, presented the Colors. Miss Madison Leeman led the Senate in the Pledge of Allegiance.

REMARKS BY THE PRESIDENT

President Habib: "Would the Senate please join me in thanking the Senate interns who, as you all know, fill in when the Senate goes late and support all of us here. And then, also, again when we do meet on weekends. Please join me in thanking them for being here on a Saturday morning."

The senate recognized the interns who were stationed around the chamber.

REMARKS BY THE PRESIDENT

President Habib: "It goes without saying, we also deeply appreciate all of the staff who have come to work today to support the Senate in doing its work during what is a crowded and busy and hectic session."

The prayer was offered by Dr. Han E. Zhou, Pastor, Olympia Chinese Christian Church, Lacey.

The President called upon the Secretary to read the journal of the preceding day.

MOTION

On motion of Senator Liias, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

On motion of Senator Liias, the Senate advanced to the first order of business.

COMMITTEE ON HEALTH & LONG TERM CARE

Pursuant to Senate Rule 45(13) and without objection, notice was received from the Committee on Health & Long Term Care of the re-referral to the Subcommittee on Behavioral Health of the following measures:

- Second Substitute House Bill No. 1394,
- Second Substitute House Bill No. 1528,
- and Substitute House Bill No. 1826.

MOTION

On motion of Senator Liias, the Senate advanced to the fourth order of business.

MESSAGE FROM THE HOUSE

MR. PRESIDENT:

The House has passed:

- ENGROSSED THIRD SUBSTITUTE HOUSE BILL NO. 1324,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1578,
- ENGROSSED HOUSE BILL NO. 1584,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1692,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1732,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1788,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2018,
- ENGROSSED HOUSE BILL NO. 2066,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

HB 1001 by Representatives Kirby and Vick

AN ACT Relating to service contract providers; amending RCW 48.110.017, 48.110.030, 48.110.055, 48.110.130, and 48.110.902; and adding a new section to chapter 48.110 RCW.

Referred to Committee on Financial Institutions, Economic Development & Trade.

HB 1011 by Representatives Reeves, Barkis, Kilduff, Vick, Ryu, Fitzgibbon, Stanford and Leavitt

AN ACT Relating to improving the accuracy of the residential real estate disclosure statement associated with the Washington right to farm act by providing a more complete description of the scope of RCW 7.48.305 through references related to working forests; amending RCW 64.06.022; and creating new sections.

Referred to Committee on Financial Institutions, Economic Development & Trade.

SHB 1049 by House Committee on Civil Rights & Judiciary (originally sponsored by Macri, Stokesbary, Riccelli, Jinkins, Tharinger, Slatter, Caldier, Appleton, Wylie, Cody, Doglio and Stonier)

AN ACT Relating to health care provider and health care facility whistleblower protections; amending RCW 43.70.075; and adding a new section to chapter 7.71 RCW.

Referred to Committee on Health & Long Term Care.

HB 1061 by Representatives Blake and Walsh

AN ACT Relating to designating the Pacific razor clam as the state clam; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 1062 by Representatives Blake and Walsh

AN ACT Relating to expanding access to commercial fishing opportunities; and amending RCW 77.65.070 and 77.65.020.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1148 by House Committee on Consumer Protection & Business (originally sponsored by Kirby, Vick and Reeves)

AN ACT Relating to architect registration; amending RCW 18.08.310, 18.08.350, and 18.08.360; and reenacting and amending RCW 18.08.320.

Referred to Committee on Labor & Commerce.

HB 1177 by Representatives Stonier, Caldier, Cody and Schmick

AN ACT Relating to creating the dental laboratory registry within the department of health and establishing minimum standards for dental laboratories serving dentists in Washington state; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health & Long Term Care.

SHB 1195 by House Committee on State Government & Tribal Relations (originally sponsored by Hudgins, Walsh, Dolan, Wylie and Pollet)

AN ACT Relating to the efficient administration of campaign finance and public disclosure reporting and enforcement; amending RCW 42.17A.001, 42.17A.055, 42.17A.065, 42.17A.100, 42.17A.105, 42.17A.110, 42.17A.120, 42.17A.125, 42.17A.135, 42.17A.140, 42.17A.205, 42.17A.207, 42.17A.215, 42.17A.225, 42.17A.255, 42.17A.260, 42.17A.265, 42.17A.305, 42.17A.345, 42.17A.420, 42.17A.475, 42.17A.600, 42.17A.605, 42.17A.610, 42.17A.615, 42.17A.630, 42.17A.655, 42.17A.700, 42.17A.710, 42.17A.750, 42.17A.755, 42.17A.765, 42.17A.775, and 42.17A.785; reenacting and amending RCW 42.17A.005, 42.17A.210, 42.17A.230, 42.17A.235, and 42.17A.240; adding a new section to chapter 42.17A RCW; creating a new section; repealing RCW 42.17A.050 and 42.17A.061; providing an effective date; and declaring an emergency.

Referred to Committee on State Government, Tribal Relations & Elections.

2SHB 1216 by House Committee on Appropriations (originally sponsored by Dolan, Harris, Lovick, Doglio, Stonier, Irwin, Senn, Appleton, Kirby, Vick, Bergquist, Riccelli, Fey, Orwall, Griffey, Gregerson, Peterson, Stanford, Frame, Kilduff, Ortiz-Self, Ryu, Valdez, Lekanoff, Sells, Slatter, Thai, Wylie, Callan, Jinkins, Macri, Goodman and Santos)

AN ACT Relating to nonfirearm measures to increase school safety and student well-being; amending RCW 38.52.040, 28A.320.125, 28A.300.273, 28A.300.490, 28A.320.126, and 28A.320.1271; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.310 RCW; adding a new section to chapter 28A.320 RCW; creating new sections; repealing RCW 28A.310.505; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

HB 1220 by Representatives Dolan, Volz, Cody, Ormsby, Stanford, Appleton and Tharinger

AN ACT Relating to adding a nonvoting representative from the office of the insurance commissioner to the public employees' benefits board; amending RCW 41.05.055; and providing an effective date.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 1285 by Representatives Doglio, Steele, Kirby, Tharinger, Ryu, DeBolt, Volz, Dolan, Frame and Rude

AN ACT Relating to adding the treasurer to the public works board; and amending RCW 43.155.030.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 1290 by House Committee on Environment & Energy (originally sponsored by Peterson, Barkis, Robinson, Lekanoff, Maycumber and Pollet)

AN ACT Relating to reviews of voluntary cleanups; amending RCW 70.105D.030, 70.105D.070, and 70.105D.110; reenacting and amending RCW 43.84.092; adding a new section to chapter 70.105D RCW; and creating a new section.

Referred to Committee on Environment, Energy & Technology.

SHB 1295 by House Committee on Capital Budget (originally sponsored by Tharinger)

AN ACT Relating to public works contracting procedures; amending RCW 39.10.250, 39.10.270, 39.10.300, 39.10.320, 39.10.330, 39.10.420, 39.10.430, 39.10.440, 39.10.450, and 39.10.470; and reenacting and amending RCW 39.10.210, 42.56.270, and 43.131.408.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 1413 by Representatives Ormsby, Volz and Griffey

AN ACT Relating to an optional life annuity benefit for members of the public employees' retirement system, school employees' retirement system, and public safety employees' retirement system; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.35 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1426 by Representatives Ramos, Orcutt, Mead, Walsh, Slatter, Lovick and Leavitt

AN ACT Relating to cooperation between conservation districts; and amending RCW 89.08.220.

Referred to Committee on Local Government.

SHB 1430 by House Committee on Appropriations (originally sponsored by MacEwen and Stanford)

AN ACT Relating to the licensing and enforcement system modernization project account; amending RCW 66.08.260;

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1431 by Representatives Kirby and Vick

AN ACT Relating to joint self-insurance programs for property and liability risks; amending RCW 48.62.011, 48.62.031, 48.62.111, and 48.62.121; and adding a new section to chapter 48.62 RCW.

Referred to Committee on Financial Institutions, Economic Development & Trade.

HB 1449 by Representatives Peterson, Chandler, Doglio, Ortiz-Self, Blake, Gregerson, Tharinger, Dolan, Frame, Stanford, Chapman, Fitzgibbon, Davis, Santos, Lovick, Tarleton, Jinkins and Ormsby

AN ACT Relating to recognizing the fourth Saturday of September as public lands day; amending RCW 1.16.050; and creating a new section.

Referred to Committee on State Government, Tribal Relations & Elections.

HB 1499 by Representatives Jenkin and Peterson

AN ACT Relating to authorizing certain public facilities districts to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area with voter approval; and amending RCW 35.57.020.

Referred to Committee on Local Government.

2SHB 1579 by House Committee on Appropriations (originally sponsored by Fitzgibbon, Peterson, Lekanoff, Doglio, Macri, Stonier, Tharinger, Stanford, Jinkins, Robinson, Pollet, Valdez, Cody, Kloba, Slatter, Frame and Davis)

AN ACT Relating to implementing recommendations of the southern resident killer whale task force related to increasing chinook abundance; amending RCW 77.32.010 and 43.21B.110; adding a new section to chapter 77.08 RCW; adding new sections to chapter 77.55 RCW; creating a new section; repealing RCW 77.55.141 and 77.55.291; and prescribing penalties.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

2SHB 1580 by House Committee on Appropriations (originally sponsored by Blake, Kretz, Kirby, Peterson, Appleton, Shewmake, Morris, Cody and Jinkins)

AN ACT Relating to the protection of southern resident orca whales from vessels; amending RCW 77.15.740 and 43.384.050; adding new sections to chapter 77.65 RCW; adding a new section to chapter 77.15 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

SHB 1594 by House Committee on Labor & Workplace Standards (originally sponsored by Chandler and Chapman)

AN ACT Relating to clarifying the exemption for wiring and equipment associated with telecommunication installations; and amending RCW 19.28.010.

Referred to Committee on Labor & Commerce.

2SHB 1603 by House Committee on Appropriations (originally sponsored by Senn, Entenman, Morgan, Kilduff, Macri, Gregerson, Valdez, Chapman, Wylie, Peterson, Doglio, Tharinger, Bergquist, Robinson, Ortiz-Self, Goodman, Lovick, Jinkins, Leavitt, Hudgins, Pettigrew, Slatter, Appleton, Stanford, Davis, Frame, Pollet, Fey and Tarleton)

AN ACT Relating to revising economic assistance programs by updating standards of need, revising outcome measures and data collected, and reducing barriers to participation; amending RCW 74.08.025, 74.08A.410, 74.08A.411, and 74.08A.250; and creating new sections.

Referred to Committee on Human Services, Reentry & Rehabilitation.

HB 1674 by Representatives Rude, Steele, Santos, Jinkins, Bergquist and Doglio

AN ACT Relating to changing the term alternative learning experience to personalized learning experience; and amending RCW 28A.150.100, 28A.225.020, 28A.225.151, 28A.232.005, 28A.232.010, 28A.232.020, 28A.232.030, 28A.250.070, 28A.340.080, 28A.340.085, 28A.520.020, 28A.525.162, and 28A.525.166.

Referred to Committee on Early Learning & K-12 Education.

SHB 1769 by House Committee on Rural Development, Agriculture, & Natural Resources (originally sponsored by Blake, Chandler and Dent)

AN ACT Relating to a vessel crewmember license; and amending RCW 77.65.610.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 1792 by Representatives Pettigrew and Appleton

AN ACT Relating to criminal penalties applicable to licensed marijuana retailers and employees of marijuana retail outlets; amending RCW 69.50.401 and 69.50.406; adding new sections to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Labor & Commerce.

SHB 1798 by House Committee on Consumer Protection & Business (originally sponsored by Ryu, Mosbrucker, Stanford and Pollet)

AN ACT Relating to short-term rentals; adding a new chapter to Title 64 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions, Economic Development & Trade.

HB 1908 by Representatives Graham, Walsh, Griffey, Irwin and Corry

AN ACT Relating to repealing the electronic authentication act; amending RCW 9.38.060, 9A.72.085, 43.07.120,

43.07.173, 48.185.005, 58.09.050, and 58.09.110; and repealing RCW 19.34.010, 19.34.020, 19.34.030, 19.34.040, 19.34.100, 19.34.101, 19.34.110, 19.34.111, 19.34.120, 19.34.130, 19.34.200, 19.34.210, 19.34.220, 19.34.230, 19.34.231, 19.34.240, 19.34.250, 19.34.260, 19.34.270, 19.34.280, 19.34.290, 19.34.291, 19.34.300, 19.34.305, 19.34.310, 19.34.311, 19.34.320, 19.34.321, 19.34.330, 19.34.340, 19.34.350, 19.34.351, 19.34.360, 19.34.400, 19.34.410, 19.34.420, 19.34.500, 19.34.501, 19.34.502, 19.34.503, 19.34.900, 19.34.901, and 43.19.794.

Referred to Committee on State Government, Tribal Relations & Elections.

SHB 1930 by House Committee on Labor & Workplace Standards (originally sponsored by Doglio, Dolan, Jinkins, Reeves, Shewmake, Stanford, Pollet, Macri, Senn and Ormsby)

AN ACT Relating to providing reasonable accommodation for the expression of breast milk in the workplace; and amending RCW 43.10.005.

Referred to Committee on Labor & Commerce.

SHB 1953 by House Committee on Housing, Community Development & Veterans (originally sponsored by Corry, Fitzgibbon, Hoff, Harris, Griffey, McCaslin, Springer, Steele and Graham)

AN ACT Relating to reducing the amount of permits required for recreation at a sno-park; amending RCW 79A.80.060; and creating a new section.

Referred to Committee on Agriculture, Water, Natural Resources & Parks.

HB 2035 by Representatives Lovick and Frame

AN ACT Relating to taxes on in-state broadcasters; amending RCW 82.04.280 and 82.32.790; and providing a contingent effective date.

Referred to Committee on Ways & Means.

HB 2119 by Representatives Morris and Lekanoff

AN ACT Relating to the distribution of moneys derived from certain state forestlands; and reenacting and amending RCW 79.64.110.

Referred to Committee on Ways & Means.

MOTION

On motion of Senator Liias, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

At 9:15 a.m., on motion of Senator Liias, the Senate was declared to be at ease subject to the call of the President.

Senator McCoy announced a meeting of the Democratic Caucus immediately upon going at ease.

The Senate was called to order at 10:42 a.m. by President

Habib.

MOTION

On motion of Senator Liias, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 2019

MR. PRESIDENT:

The House has passed:

- HOUSE BILL NO. 1026,
- HOUSE BILL NO. 1070,
- SUBSTITUTE HOUSE BILL NO. 1168,
- SUBSTITUTE HOUSE BILL NO. 1239,
- SUBSTITUTE HOUSE BILL NO. 1251,
- SUBSTITUTE HOUSE BILL NO. 1360,
- SUBSTITUTE HOUSE BILL NO. 1377,
- SUBSTITUTE HOUSE BILL NO. 1415,
- HOUSE BILL NO. 1432,
- THIRD SUBSTITUTE HOUSE BILL NO. 1498,
- HOUSE BILL NO. 1548,
- SUBSTITUTE HOUSE BILL NO. 1607,
- HOUSE BILL NO. 1676,
- SUBSTITUTE HOUSE BILL NO. 1686,
- HOUSE BILL NO. 1753,
- SUBSTITUTE HOUSE BILL NO. 1856,
- SUBSTITUTE HOUSE BILL NO. 1865,
- SECOND SUBSTITUTE HOUSE BILL NO. 1907,
- HOUSE BILL NO. 2038,
- SUBSTITUTE HOUSE BILL NO. 2049,

and the same are herewith transmitted.

NONA SNELL, Deputy Chief Clerk

MOTION

On motion of Senator Liias, the Senate advanced to the seventh order of business.

THIRD READING

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Holy moved that Debra Entenman, Senate Gubernatorial Appointment No. 9029, be confirmed as a member of the Renton Technical College Board of Trustees.

Senators Holy and Das spoke in favor of passage of the motion.

MOTION

On motion of Senator Rivers, Senator Bailey was excused.

MOTION

On motion of Senator Wilson, C., Senators Carlyle and Hobbs were excused.

APPOINTMENT OF DEBRA ENTENMAN

The President declared the question before the Senate to be the confirmation of Debra Entenman, Senate Gubernatorial Appointment No. 9029, as a member of the Renton Technical College Board of Trustees.

The Secretary called the roll on the confirmation of Debra Entenman, Senate Gubernatorial Appointment No. 9029, as a member of the Renton Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, Mullet, Nguyen, O’Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Absent: Senator McCoy

Excused: Senators Bailey, Carlyle and Hobbs

Debra Entenman, Senate Gubernatorial Appointment No. 9029, having received the constitutional majority was declared confirmed as a member of the Renton Technical College Board of Trustees.

REMARKS BY THE PRESIDENT

President Habib: “Ladies and Gentleman, I want to bring attention to a very special, a very special ... It’s a very special day for us here, not only because it’s Saturday and here we are convened as a Senate and not only because it’s the twenty second anniversary of the passing of The Notorious B.I.G. but, more importantly than all of that, it is the birthday of one Senator Tim Sheldon. And just think of, think about what level of commitment it takes to spend your birthday here doing the hard work of the people.”

PERSONAL PRIVILEGE

Senator Sheldon: “All I have to say is it does not end in a ‘5’ or a ‘0,’ so. ... My mom always said that was really a good birthday when that happens.”

REPLY BY THE PRESIDENT

President Habib: “Let’s give Senator Sheldon our applause for making it one more year here in the Senate.”

The senate recognized Senator Sheldon on the occasion of the anniversary of his birth and performed a rendition of “*Happy Birthday*.”

PERSONAL PRIVILEGE

Senator Schoesler: “Thank you Mr. President. After the legislative chorus sang, I’d like to inject just a couple of facts. First of all, Senator Sheldon has the longest continuous service of any member of this body. And second of all, the carbon dating technique will soon show how many years old he really is.”

REPLY BY THE PRESIDENT

President Habib: “As with carbon dating, as they, as they go back, they will just find different layers of partisan affiliation, one underneath the other.”

MOTION

On motion of Senator Liias, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5091, by Senators Wellman, Conway, Darneille, Wilson, C., Kuderer and Takko

Concerning state and federal special education funding.

MOTION

On motion of Senator Wellman, Second Substitute Senate Bill No. 5091 was substituted for Senate Bill No. 5091 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Wellman moved that the following amendment no. 187 by Senator Wellman be adopted:

On page 6, line 14, after “1.15;” strike “and” and insert “((and))”

On page 6, line 18, after “1.00” insert “; and

(c) A district’s annual average full-time equivalent enrollment of students with disabilities in institutional education programs under chapters 28A.190, 28A.193, and 28A.194 RCW, multiplied by the district’s base allocation per full-time equivalent student, multiplied by 1.00”

On page 6, line 34, after “kindergarten” insert “and students enrolled in institutional education programs””

On page 6, after line 38, insert the following:

“(4) School districts must distribute the allocation provided under subsection (2)(c) of this section to the institutional program that generated the funding.”

Senators Wellman and Braun spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 187 by Senator Wellman on page 6, line 14 to Second Substitute Senate Bill No. 5091.

The motion by Senator Wellman carried and amendment no. 187 was adopted by voice vote.

MOTION

Senator Wellman moved that the following amendment no. 173 by Senator Wellman be adopted:

On page 7, beginning on line 23, after “conduct a” strike all material through “February” on line 24 and insert “financial or accountability audit of each school district by June”

On page 7, line 27, after “district.” insert “and”

On page 7, beginning on line 29, after “district” strike all material through “dollars” on line 34

On page 7, line 36, after “the” strike “performance audit” and insert “audits”

Senator Wellman spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of amendment no. 173 by Senator Wellman on page 7, line 23 to Second Substitute Senate Bill No. 5091.

The motion by Senator Wellman carried and amendment no. 173 was adopted by voice vote.

MOTION

On motion of Senator Wellman, the rules were suspended,

Engrossed Second Substitute Senate Bill No. 5091 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Wellman, Braun, Short and Conway spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5091.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5091 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Carlyle and Hobbs

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5091, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5532, by Senators Braun, Rolfes, Fortunato, Wagoner and Zeiger

Concerning special education.

MOTIONS

On motion of Senator Braun, Substitute Senate Bill No. 5532 was substituted for Senate Bill No. 5532 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Braun, the rules were suspended, Substitute Senate Bill No. 5532 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Wellman spoke in favor of passage of the bill.

REMARKS BY THE PRESIDENT

President Habib: "Senator Wellman. Senator Wellman, let me stop you. I'm so sorry to interrupt you Senator. Just one moment. We have, there's someone in the gallery who's taking photos which is not permitted in the senate chambers. So we're going to ask that person to stop doing that and will, if necessary, clear the galleries. It's not permitted to do that and it's a distraction. It's against the rules of the senate. Senator Wellman please continue."

President Pro Tempore Keiser assumed the chair.

Senator Frockt spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5532.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5532 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Carlyle and Hobbs

SUBSTITUTE SENATE BILL NO. 5532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR LIAS

Senator Liias: "Thank you Madam President. Just for the information of members, Governor Inslee left Washington a little bit earlier than we had been notified this morning, and so Lieutenant Governor Habib is presently the Acting Governor and as such ineligible to preside over the Senate this morning. So, we will reconsider final passage on the gubernatorial appointment that we approved and on the special education the first special education funding bill. I'll remind members that both passed unanimously. We don't need to redo the debate. We're just going to redo the votes to ensure that we are complying with the provisions of the Constitution and we will all work with the Governor's team to make sure we know more clearly exactly when he's left the boundaries of the state of Washington so we don't have this repeat."

MOTION FOR IMMEDIATE RECONSIDERATION

On motion of Senator Liias, and without objection, the vote by which Senate Gubernatorial Appointment No. 9029 was confirmed by the senate was immediately reconsidered.

The President declared the question before the Senate to be the confirmation of Debra Entenman, Senate Gubernatorial Appointment No. 9029 on reconsideration, as a member of the Renton Technical College Board of Trustees.

ROLL CALL

The Secretary called the roll on reconsideration of the confirmation of Debra Entenman, Senate Gubernatorial Appointment No. 9029, as a member of the Renton Technical College Board of Trustees and the appointment was confirmed by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Carlyle and Hobbs

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

Debra Entenman, Senate Gubernatorial Appointment No. 9029, having received the constitutional majority was declared confirmed on reconsideration as a member of the Renton Technical College Board of Trustees.

MOTION FOR IMMEDIATE RECONSIDERATION

On motion of Senator Liias and without objection, the vote by which Engrossed Second Substitute Senate Bill No. 5091 passed the senate was immediately reconsidered.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5091 on reconsideration.

ROLL CALL

The Secretary called the roll on reconsideration of the final passage of Engrossed Second Substitute Senate Bill No. 5091 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Carlyle and Hobbs

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5091, having received the constitutional majority, was declared passed on reconsideration. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5688, by Senators Cleveland, Walsh and Becker

Concerning athletic trainers.

MOTION

On motion of Senator Cleveland, Substitute Senate Bill No. 5688 was substituted for Senate Bill No. 5688 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Padden moved that the following amendment no. 217 by Senators Padden and Cleveland be adopted:

On page 3 line 33 strike “trainer.”

Senator Padden spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 217 by Senators Padden and Cleveland on page 3, line 33 to Substitute Senate Bill No. 5688.

The motion by Senator Padden carried and amendment no. 217 was adopted by voice vote.

MOTION

On motion of Senator Cleveland, the rules were suspended, Engrossed Substitute Senate Bill No. 5688 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Cleveland spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5688.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5688 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senator Ericksen

Excused: Senators Bailey, Carlyle and Hobbs

ENGROSSED SUBSTITUTE SENATE BILL NO. 5688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5635, by Senators Brown, Bailey, Rivers, Walsh, Becker, King, Warnick, Frockt, Wilson, L., Hasegawa, Zeiger and O'Ban

Expanding opportunities for students to pursue mental and behavioral health professions.

The measure was read the second time.

MOTION

On motion of Senator Brown, the rules were suspended, Senate Bill No. 5635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Brown and Palumbo spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5635.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5635 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Ericksen, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Honeyford, Hunt, Keiser, King, Kuderer, Liias, Lovelett, McCoy, Mullet, Nguyen, O'Ban, Padden, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Excused: Senators Bailey, Carlyle and Hobbs

SENATE BILL NO. 5635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5600, by Senators Kuderer, Das, Nguyen, Frockt, Cleveland, Darneille, Saldaña, Hasegawa, Wilson, C., Conway, Randall, Wellman, Keiser, Hunt, Pedersen and Liias

Concerning residential tenant protections.

MOTION

On motion of Senator Kuderer, Substitute Senate Bill No. 5600 was substituted for Senate Bill No. 5600 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Kuderer moved that the following striking amendment no. 318 by Senator Kuderer be adopted:

Strike everything after the enacting clause and insert the following:

“Sec. 1. RCW 59.12.030 and 1998 c 276 s 6 are each amended to read as follows:

A tenant of real property for a term less than life is (~~guilty of~~) liable for unlawful detainer either:

(1) When he or she holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him or her. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall be terminated without notice at the expiration of the specified term or period;

(2) When he or she, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than twenty days prior to the end of such month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him or her to quit the premises at the expiration of such month or period;

(3) When he or she continues in possession in person or by subtenant after a default in the payment of rent, and after notice in writing requiring in the alternative the payment of the rent or the surrender of the detained premises, served (in manner in RCW 59.12.040 provided) in behalf of the person entitled to the rent upon the person owing it, has remained uncomplished with for the period of three days after service thereof, or for the period of fourteen days after service for tenancies under chapter 59.18 RCW. The notice may be served at any time after the rent becomes due. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, “rent” has the same meaning as defined in RCW 59.18.030;

(4) When he or she continues in possession in person or by subtenant after a neglect or failure to keep or perform any (~~other~~) condition or covenant of the lease or agreement under which the property is held, including any covenant not to assign or sublet, other than one for the payment of rent, and after notice in writing requiring in the alternative the performance of such condition or covenant or the surrender of the property, served (in manner in RCW 59.12.040 provided) upon him or her, and if there

is a subtenant in actual possession of the premises, also upon such subtenant, shall remain uncomplished with for ten days after service thereof. Within ten days after the service of such notice the tenant, or any subtenant in actual occupation of the premises, or any mortgagee of the term, or other person interested in its continuance, may perform such condition or covenant and thereby save the lease from such forfeiture. For the purposes of this subsection and as applied to tenancies under chapter 59.18 RCW, “rent” has the same meaning as defined in RCW 59.18.030;

(5) When he or she commits or permits waste upon the demised premises, or when he or she sets up or carries on thereon any unlawful business, or when he or she erects, suffers, permits, or maintains on or about the premises any nuisance, and remains in possession after the service (in manner in RCW 59.12.040 provided) upon him or her of three days’ notice to quit;

(6) A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days’ notice, in writing and served upon him or her in the manner provided in RCW 59.12.040. Such person may also be subject to the criminal provisions of chapter 9A.52 RCW; or

(7) When he or she commits or permits any gang-related activity at the premises as prohibited by RCW 59.18.130.

NEW SECTION. Sec. 2. A new section is added to chapter 59.18 RCW to read as follows:

Every fourteen-day notice served pursuant to RCW 59.12.030(3) must be in substantially the following form:

“FOURTEEN-DAY NOTICE TO PAY RENT OR VACATE THE PREMISES

You are receiving the attached notice because the landlord alleges you are not in compliance with the terms of the lease agreement by failing to pay rent and/or utilities and/or recurring or periodic charges that are past due.

(1) Monthly rent due for (list month(s)): \$ (dollar amount) AND/OR

(2) Utilities due for (list month(s)): \$ (dollar amount) AND/OR

(3) Other recurring or periodic charges identified in the lease for (list month(s)): \$ (dollar amount) TOTAL AMOUNT DUE: \$ (dollar amount)

Note - payment must be by cash, cashier’s check, money order, or certified funds.

You must pay the total amount due to your landlord within fourteen (14) days after receipt of this notice or you must vacate the premises. Any payment you make to the landlord must first be applied to the total amount due as shown on this notice. Any failure to comply with this notice within fourteen (14) days after receipt of this notice may result in a judicial proceeding that leads to your eviction from the premises.

The Washington state Attorney General’s Office has this notice in multiple languages on its website. You will also find information there on how to find a lawyer or advocate at low or no cost and any available resources to help pay your rent. Alternatively, call 2-1-1 to learn about these services.

State law provides you the right to receive interpreter services at court.

OWNER/LANDLORD: _____ DATE: _____
WHERE TOTAL AMOUNT DUE IS TO BE PAID:
_____(owner/landlord name) _____
_____ (address) _____”

NEW SECTION. Sec. 3. A new section is added to chapter 59.18 RCW to read as follows:

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

(1) The attorney general's office shall produce and maintain on its web site translated versions of the notice under section 2 of this act in the top ten languages spoken in Washington state and, at the discretion of the attorney general's office, other languages. The notice must be made available upon request in printed form on one letter size paper, eight and one-half by eleven inches, and in an easily readable font size.

(2) The attorney general's office shall also provide on its web site information on where tenants can access legal or advocacy resources, including information on any immigrant and cultural organizations where tenants can receive assistance in their primary language.

Sec. 4. RCW 59.18.030 and 2016 c 66 s 1 are each reenacted and amended to read as follows:

As used in this chapter:

(1) "Certificate of inspection" means an unsworn statement, declaration, verification, or certificate made in accordance with the requirements of RCW 9A.72.085 by a qualified inspector that states that the landlord has not failed to fulfill any substantial obligation imposed under RCW 59.18.060 that endangers or impairs the health or safety of a tenant, including (a) structural members that are of insufficient size or strength to carry imposed loads with safety, (b) exposure of the occupants to the weather, (c) plumbing and sanitation defects that directly expose the occupants to the risk of illness or injury, (d) not providing facilities adequate to supply heat and water and hot water as reasonably required by the tenant, (e) providing heating or ventilation systems that are not functional or are hazardous, (f) defective, hazardous, or missing electrical wiring or electrical service, (g) defective or hazardous exits that increase the risk of injury to occupants, and (h) conditions that increase the risk of fire.

(2) "Commercially reasonable manner," with respect to a sale of a deceased tenant's personal property, means a sale where every aspect of the sale, including the method, manner, time, place, and other terms, must be commercially reasonable. If commercially reasonable, a landlord may sell the tenant's property by public or private proceedings, by one or more contracts, as a unit or in parcels, and at any time and place and on any terms.

(3) "Comprehensive reusable tenant screening report" means a tenant screening report prepared by a consumer reporting agency at the direction of and paid for by the prospective tenant and made available directly to a prospective landlord at no charge, which contains all of the following: (a) A consumer credit report prepared by a consumer reporting agency within the past thirty days; (b) the prospective tenant's criminal history; (c) the prospective tenant's eviction history; (d) an employment verification; and (e) the prospective tenant's address and rental history.

(4) "Criminal history" means a report containing or summarizing (a) the prospective tenant's criminal convictions and pending cases, the final disposition of which antedates the report by no more than seven years, and (b) the results of a sex offender registry and United States department of the treasury's office of foreign assets control search, all based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(5) "Designated person" means a person designated by the tenant under RCW 59.18.590.

(6) "Distressed home" has the same meaning as in RCW 61.34.020.

(7) "Distressed home conveyance" has the same meaning as in RCW 61.34.020.

(8) "Distressed home purchaser" has the same meaning as in

RCW 61.34.020.

(9) " Dwelling unit" is a structure or that part of a structure which is used as a home, residence, or sleeping place by one person or by two or more persons maintaining a common household, including but not limited to single-family residences and units of multiplexes, apartment buildings, and mobile homes.

(10) "Eviction history" means a report containing or summarizing the contents of any records of unlawful detainer actions concerning the prospective tenant that are reportable in accordance with state law, are lawful for landlords to consider, and are obtained after a search based on at least seven years of address history and alias information provided by the prospective tenant or available in the consumer credit report.

(11) "Gang" means a group that: (a) Consists of three or more persons; (b) has identifiable leadership or an identifiable name, sign, or symbol; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(12) "Gang-related activity" means any activity that occurs within the gang or advances a gang purpose.

(13) "In danger of foreclosure" means any of the following:

(a) The homeowner has defaulted on the mortgage and, under the terms of the mortgage, the mortgagee has the right to accelerate full payment of the mortgage and repossess, sell, or cause to be sold the property;

(b) The homeowner is at least thirty days delinquent on any loan that is secured by the property; or

(c) The homeowner has a good faith belief that he or she is likely to default on the mortgage within the upcoming four months due to a lack of funds, and the homeowner has reported this belief to:

(i) The mortgagee;

(ii) A person licensed or required to be licensed under chapter 19.134 RCW;

(iii) A person licensed or required to be licensed under chapter 19.146 RCW;

(iv) A person licensed or required to be licensed under chapter 18.85 RCW;

(v) An attorney-at-law;

(vi) A mortgage counselor or other credit counselor licensed or certified by any federal, state, or local agency; or

(vii) Any other party to a distressed property conveyance.

(14) "Landlord" means the owner, lessor, or sublessor of the dwelling unit or the property of which it is a part, and in addition means any person designated as representative of the owner, lessor, or sublessor including, but not limited to, an agent, a resident manager, or a designated property manager.

(15) "Mortgage" is used in the general sense and includes all instruments, including deeds of trust, that are used to secure an obligation by an interest in real property.

(16) "Owner" means one or more persons, jointly or severally, in whom is vested:

(a) All or any part of the legal title to property; or

(b) All or part of the beneficial ownership, and a right to present use and enjoyment of the property.

(17) "Person" means an individual, group of individuals, corporation, government, or governmental agency, business trust, estate, trust, partnership, or association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(18) "Premises" means a dwelling unit, appurtenances thereto, grounds, and facilities held out for the use of tenants generally and any other area or facility which is held out for use by the tenant.

(19) "Property" or "rental property" means all dwelling units on a contiguous quantity of land managed by the same landlord

as a single, rental complex.

(20) "Prospective landlord" means a landlord or a person who advertises, solicits, offers, or otherwise holds a dwelling unit out as available for rent.

(21) "Prospective tenant" means a tenant or a person who has applied for residential housing that is governed under this chapter.

(22) "Qualified inspector" means a United States department of housing and urban development certified inspector; a Washington state licensed home inspector; an American society of home inspectors certified inspector; a private inspector certified by the national association of housing and redevelopment officials, the American association of code enforcement, or other comparable professional association as approved by the local municipality; a municipal code enforcement officer; a Washington licensed structural engineer; or a Washington licensed architect.

(23) "Reasonable attorneys' fees," where authorized in this chapter, means an amount to be determined including the following factors: The time and labor required, the novelty and difficulty of the questions involved, the skill requisite to perform the legal service properly, the fee customarily charged in the locality for similar legal services, the amount involved and the results obtained, and the experience, reputation and ability of the lawyer or lawyers performing the services.

(24) "Reasonable manner," with respect to disposing of a deceased tenant's personal property, means to dispose of the property by donation to a not-for-profit charitable organization, by removal of the property by a trash hauler or recycler, or by any other method that is reasonable under the circumstances.

(25) "Rent" or "rental amount" means recurring and periodic charges identified in the rental agreement for the use and occupancy of the premises, which may include charges for utilities. These terms do not include nonrecurring charges for costs incurred due to late payment, damages, deposits, legal costs, or other fees, including attorneys' fees.

(26) "Rental agreement" means all agreements which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

~~((26))~~ (27) A "single-family residence" is a structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street and shares neither heating facilities nor hot water equipment, nor any other essential facility or service, with any other dwelling unit.

~~((27))~~ (28) A "tenant" is any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.

~~((28))~~ (29) "Tenant representative" means:

(a) A personal representative of a deceased tenant's estate if known to the landlord;

(b) If the landlord has no knowledge that a personal representative has been appointed for the deceased tenant's estate, a person claiming to be a successor of the deceased tenant who has provided the landlord with proof of death and an affidavit made by the person that meets the requirements of RCW 11.62.010(2);

(c) In the absence of a personal representative under (a) of this subsection or a person claiming to be a successor under (b) of this subsection, a designated person; or

(d) In the absence of a personal representative under (a) of this subsection, a person claiming to be a successor under (b) of this subsection, or a designated person under (c) of this subsection, any person who provides the landlord with reasonable evidence that he or she is a successor of the deceased tenant as defined in RCW 11.62.005. The landlord has no obligation to identify all of

the deceased tenant's successors.

~~((29))~~ (30) "Tenant screening" means using a consumer report or other information about a prospective tenant in deciding whether to make or accept an offer for residential rental property to or from a prospective tenant.

~~((30))~~ (31) "Tenant screening report" means a consumer report as defined in RCW 19.182.010 and any other information collected by a tenant screening service.

NEW SECTION. Sec. 5. A new section is added to chapter 59.18 RCW to read as follows:

Under this chapter:

(1) A landlord must first apply any payment made by a tenant toward rent before applying any payment toward late payments, damages, legal costs, or other fees, including attorneys' fees.

(2) Except as provided in RCW 59.18.410, the tenant's right to possession of the premises may not be conditioned on a tenant's payment or satisfaction of any monetary amount other than rent. However, this does not foreclose a landlord from pursuing other lawful remedies to collect late payments, legal costs, or other fees, including attorneys' fees.

Sec. 6. RCW 59.18.410 and 2011 c 132 s 20 are each amended to read as follows:

(1) If upon the trial the verdict of the jury or, if the case be tried without a jury, the finding of the court be in favor of the ~~((plaintiff))~~ landlord and against the ~~((defendant))~~ tenant, judgment shall be entered for the restitution of the premises; and if the proceeding be for unlawful detainer after neglect or failure to perform any condition or covenant of a lease or agreement under which the property is held, or after default in the payment of rent, the judgment shall also declare the forfeiture of the lease, agreement, or tenancy. The jury, or the court, if the proceedings be tried without a jury, shall also assess the damages arising out of the tenancy occasioned to the ~~((plaintiff))~~ landlord by any forcible entry, or by any forcible or unlawful detainer, alleged in the complaint and proved on the trial, and, if the alleged unlawful detainer be after default in the payment of rent, find the amount of any rent due, and the judgment shall be rendered against the ~~((defendant guilty of))~~ tenant liable for the forcible entry, forcible detainer, or unlawful detainer for the amount of damages thus assessed ~~((and))~~, for the rent, if any, found due, and late fees if such fees are due under the lease and do not exceed seventy-five dollars in total. In addition to the amount awarded under this subsection, the court may award statutory costs and reasonable ~~((attorney's))~~ attorneys' fees. However, the court shall not award attorneys' fees when judgment is entered after default for failure to appear, if the total amount of rent awarded in the judgment for rent is equal to or less than two months of the tenant's monthly contract rent or if the total amount of rent awarded in the judgment is less than one thousand two hundred dollars. In all cases, if a tenant seeks a stay pursuant to subsection (3) of this section after a default in the payment of rent, the court may award attorneys' fees only if the tenant prevails on the motion subject to the provisions of subsection (3) of this section, in which case the attorneys' fees may be included as a part of the tenant's right to reinstatement. No attorneys' fees may be awarded against the tenant if the landlord prevails at the hearing under subsection (3) of this section.

(2) When the ~~((proceeding))~~ tenant is liable for ~~((an))~~ unlawful detainer after a default in the payment of rent, ~~((and the lease or agreement under which the rent is payable has not by its terms expired,))~~ execution upon the judgment shall not be issued until the expiration of five court days after the entry of the judgment ~~((within which))~~. Before such time, the tenant or any subtenant, or any mortgagee of the term, or other party interested in the

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

continuance of the tenancy, may pay into court ~~((for))~~ or to the landlord the amount of the ~~((judgment and costs, and thereupon the judgment shall be satisfied and the))~~ rent due, any court costs incurred at the time of payment, late fees if such fees are due under the lease and do not exceed seventy-five dollars in total, and attorneys' fees if awarded under this section, in which event any judgment issued shall be satisfied and the tenant shall be restored to his or her tenancy ~~((but))~~. The tenant shall tender an additional fifty dollars for each time the tenant was reinstated pursuant to this subsection or subsection (3) of this section within the previous twelve months prior to payment. If payment ~~((as herein provided, be))~~ of the amount specified in this section is not made within five court days after the judgment, the judgment may be enforced for its full amount and for the possession of the premises.

(3)(a) Following the entry of a judgment in favor of the landlord and against the tenant for the restitution of the premises and forfeiture of the tenancy due to nonpayment of rent, the court, at the time of the show cause hearing or trial, or upon subsequent motion of the tenant but before the execution of the writ of restitution, may stay or vacate the writ of restitution upon good cause and on such terms that the court deems fair and just for both parties. In making this decision, the court shall consider the following factors:

(i) Evidence or lack of evidence of the tenant's willful or intentional default or intentional failure to pay rent;

(ii) Evidence that nonpayment of the rent was caused by exigent circumstances that were beyond the tenant's control and that are not likely to recur;

(iii) The tenant's ability to timely pay the judgment;

(iv) The tenant's payment history;

(v) The tenant is otherwise in substantial compliance with the rental agreement;

(vi) The relative burden on the parties resulting from reinstatement or refusal to reinstate;

(vii) Conduct related to other notices served contemporaneously with the notice to pay or vacate regardless of whether the other notices were part of the court's judgment; and

(viii) Whether the landlord can obtain disbursement from the landlord mitigation program as provided in RCW 43.31.605.

(b) The burden of proof for such relief under this subsection shall be on the tenant. If the tenant seeks relief pursuant to this subsection (3) at the time of the show cause hearing, the court shall hear the matter at the time of the show cause hearing or as expeditiously as possible as to avoid unnecessary delay or hardship on the parties. The court may issue an order pursuant to this subsection upon appropriate terms, which may include the payment or severing of all or part of the monetary judgment. Any severing of the judgment shall not preclude the landlord from pursuing other lawful remedies to collect the remainder of the judgment.

(c) In any order issued pursuant to this subsection (3):

(i) The court shall not stay the writ more than three months from the date of judgment, but may order repayment of the balance within such time;

(ii) The court shall require the tenant to tender to the landlord or deposit with the court one month's rent within five court days of the order, before which the sheriff may serve the writ of restitution upon the tenant for its execution in the event of default in the payment of the amount stated in this subsection (3)(c)(ii); however, the sheriff shall not execute upon the writ of restitution until after expiration of five court days in order for payment to be made pursuant to this subsection (3)(c)(ii).

(iii) In the event payment is timely made within (c)(ii) of this subsection, the writ of restitution shall be stayed without further

order of the court in order for the tenant to make any remaining payment pursuant to the court order; in the event of default in payment by the tenant, the court shall require the sheriff to serve the writ of restitution again upon the tenant before execution of the writ of restitution or, in lieu of reservice of the writ by the sheriff, require the landlord to serve a notice of default in accordance with RCW 59.12.040 informing the tenant that he or she has defaulted on the payment plan arranged by the court and has three calendar days from the date of service to vacate the premises before the sheriff may execute the writ of restitution. If the landlord serves the notice of default described under this subsection (3)(c)(iii), an additional day shall not be included in calculating the time before the sheriff may execute the writ of restitution.

(iv) A tenant who seeks to satisfy a condition of this subsection (3)(c) by relying on an emergency rental assistance program provided by a government or nonprofit entity may stay the writ of restitution upon sufficient documentation to readily pay any balance set forth by the court order. The court shall stay the writ of restitution as necessary to afford the tenant an opportunity to satisfy the condition by the court.

(v) If payment to the court cannot be made due to the means of payment by the tenant, the court may order payment to be made directly to the landlord or landlord's agent.

(vi) The court shall extend the writ of restitution as necessary to enforce the order in the event of default.

(d) A tenant who has been served with three or more notices to pay or vacate for failure to pay rent as set forth in RCW 59.12.040 within twelve months prior to the notice to pay or vacate upon which the proceeding is based may not seek relief under this subsection (3).

(e)(i) If, at a hearing pursuant to this subsection (3), the landlord indicates that he or she will submit an application to the landlord mitigation program under RCW 43.31.605 in order to satisfy the outstanding judgment, the court shall restore the tenancy. The court shall then render an order sustaining the judgment for the landlord, denying or vacating the writ of restitution, in order for payment to be made to the landlord from the landlord mitigation program, and indicating that the landlord is entitled to disbursement from the landlord mitigation program for the amount entered within the judgment subject to the availability of amounts appropriated for this specific purpose. The monetary judgment entered pursuant to subsection (1) of this section remains in effect pending disbursement under this subsection (3)(e).

(ii) If the department of commerce fails to disburse payment to the landlord for the judgment pursuant to this subsection (3)(e), the landlord may renew an application for a writ of restitution pursuant to RCW 59.18.370 and for other rent owed by the tenant since the time of entry of the prior judgment. In such event, the tenant may exercise rights afforded under this section.

(iii) Upon payment by the department of commerce to the landlord for the amount of the judgment, the judgment is satisfied.

(4) In all other cases the judgment may be enforced immediately. If writ of restitution shall have been executed prior to judgment no further writ or execution for the premises shall be required.

(5) This section also applies if the writ of restitution is issued pursuant to a final judgment entered after a show cause hearing conducted in accordance with RCW 59.18.380.

Sec. 7. RCW 59.18.390 and 2011 c 132 s 19 are each amended to read as follows:

(1) The sheriff shall, upon receiving the writ of restitution, forthwith serve a copy thereof upon the ~~((defendant))~~ tenant, his or her agent, or attorney, or a person in possession of the premises,

and shall not execute the same for three days thereafter (~~and the defendant, or person in possession of the premises within three days after the service of the writ of restitution may execute to the plaintiff a bond to be filed with and approved by the clerk of the court in such sum as may be fixed by the judge, with sufficient surety to be approved by the clerk of the court, conditioned that they will pay to the plaintiff such sum as the plaintiff may recover for the use and occupation of the premises, or any rent found due, together with all damages the plaintiff may sustain by reason of the defendant occupying or keeping possession of the premises, together with all damages which the court theretofore has awarded to the plaintiff as provided in this chapter, and also all the costs of the action. If the writ of restitution was issued after alternative service provided for in RCW 59.18.055, the court shall determine the amount of the bond after considering the rent claimed and any other factors the court deems relevant. The plaintiff, his or her agent or attorneys, shall have notice of the time and place where the court or judge thereof shall fix the amount of the defendant's bond, and shall have notice and a reasonable opportunity to examine into the qualification and sufficiency of the sureties upon the bond before the bond shall be approved by the clerk~~). After the issuance of a writ of restitution, acceptance of a payment by the landlord (~~or plaintiff~~) that only partially satisfies the judgment will not invalidate the writ unless pursuant to a written agreement executed by both parties. The eviction will not be postponed or stopped unless a copy of that written agreement is provided to the sheriff. It is the responsibility of the tenant (~~or defendant~~) to ensure a copy of the agreement is provided to the sheriff. Upon receipt of the agreement, the sheriff will cease action unless ordered to do otherwise by the court. The writ of restitution and the notice that accompanies the writ of restitution required under RCW 59.18.312 shall conspicuously state in bold face type, all capitals, not less than twelve points information about partial payments as set forth in subsection (2) of this section. If the writ of restitution has been based upon a finding by the court that the tenant, subtenant, sublessee, or a person residing at the rental premises has engaged in drug-related activity or has allowed any other person to engage in drug-related activity at those premises with his or her knowledge or approval, neither the tenant (~~the defendant~~) nor a person in possession of the premises shall be entitled to post a bond in order to retain possession of the premises. The writ may be served by the sheriff, in the event he or she shall be unable to find the (~~defendant~~) tenant, an agent or attorney, or a person in possession of the premises, by affixing a copy of the writ in a conspicuous place upon the premises: PROVIDED, That the sheriff shall not require any bond for the service or execution of the writ. The sheriff shall be immune from all civil liability for serving and enforcing writs of restitution unless the sheriff is grossly negligent in carrying out his or her duty.

(2) The notice accompanying a writ of restitution required under RCW 59.18.312 shall be substantially similar to the following:

IMPORTANT NOTICE - PARTIAL PAYMENTS

YOUR LANDLORD'S ACCEPTANCE OF A PARTIAL PAYMENT FROM YOU AFTER SERVICE OF THIS WRIT OF RESTITUTION WILL NOT AUTOMATICALLY POSTPONE OR STOP YOUR EVICTION. IF YOU HAVE A WRITTEN AGREEMENT WITH YOUR LANDLORD THAT THE EVICTION WILL BE POSTPONED OR STOPPED, IT IS YOUR RESPONSIBILITY TO PROVIDE A COPY OF THE AGREEMENT TO THE SHERIFF. THE SHERIFF WILL NOT CEASE ACTION UNLESS YOU PROVIDE A COPY

OF THE AGREEMENT. AT THE DIRECTION OF THE COURT THE SHERIFF MAY TAKE FURTHER ACTION.

Sec. 8. RCW 59.18.365 and 2008 c 75 s 1 are each amended to read as follows:

(1) The summons must contain the names of the parties to the proceeding, the attorney or attorneys if any, the court in which the same is brought, the nature of the action, in concise terms, and the relief sought, and also the return day; and must notify the defendant to appear and answer within the time designated or that the relief sought will be taken against him or her. The summons must contain a street address for service of the notice of appearance or answer and, if available, a facsimile number for the plaintiff or the plaintiff's attorney, if represented. The summons must be served and returned in the same manner as a summons in other actions is served and returned.

(2) A defendant may serve a copy of an answer or notice of appearance by any of the following methods:

- (a) By delivering a copy of the answer or notice of appearance to the person who signed the summons at the street address listed on the summons;
- (b) By mailing a copy of the answer or notice of appearance addressed to the person who signed the summons to the street address listed on the summons;
- (c) By facsimile to the facsimile number listed on the summons. Service by facsimile is complete upon successful transmission to the facsimile number listed upon the summons;
- (d) As otherwise authorized by the superior court civil rules.

(3) The summons for unlawful detainer actions for tenancies covered by this chapter shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE
STATE OF WASHINGTON
IN AND
FOR COUNTY
Plaintiff/Landlord/Owner, NO.

vs. EVICTION
SUMMONS
(Residential)
Defendant/Tenant/Occupant.

THIS IS (~~NOTICE OF A LAWSUIT~~) AN IMPORTANT LEGAL DOCUMENT TO EVICT YOU.
(PLEASE READ IT CAREFULLY.
THE DEADLINE FOR) YOUR WRITTEN
RESPONSE (~~IS~~) MUST BE RECEIVED BY: 5:00 p.m., on
.

TO: (Defendant's Name)
. (Defendant's Address)

~~((This is notice of a lawsuit to evict you from the property which you are renting. Your landlord is asking the court to terminate your tenancy, direct the sheriff to remove you and your belongings from the property, enter a money judgment against you for unpaid rent and/or damages for your use of the property, and for court costs and attorneys' fees.~~

~~If you want to defend yourself in this lawsuit, you must respond to the eviction complaint in writing on or before the deadline stated above. You must respond in writing even if no case number has been assigned by the court yet.~~

~~You can respond to the complaint in writing by delivering a copy of a notice of appearance or answer to your landlord's attorney (or your landlord if there is no attorney) by personal delivery, mailing, or facsimile to the address or facsimile number~~

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

stated below ~~TO BE RECEIVED NO LATER THAN THE DEADLINE STATED ABOVE.~~ Service by facsimile is complete upon successful transmission to the facsimile number, if any, listed in the summons.

The notice of appearance or answer must include the name of this case (plaintiff(s) and defendant(s)), your name, the street address where further legal papers may be sent, your telephone number (if any), and your signature.

If there is a number on the upper right side of the eviction summons and complaint, you must also file your original notice of appearance or answer with the court clerk by the deadline for your written response.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the person signing the summons. Within fourteen days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

You may also be instructed in a separate order to appear for a court hearing on your eviction. If you receive an order to show cause you must personally appear at the hearing on the date indicated in the order to show cause **IN ADDITION** to delivering and filing your notice of appearance or answer by the deadline stated above.

~~IF YOU DO NOT RESPOND TO THE COMPLAINT IN WRITING BY THE DEADLINE STATED ABOVE YOU WILL LOSE BY DEFAULT. YOUR LANDLORD MAY PROCEED WITH THE LAWSUIT, EVEN IF YOU HAVE MOVED OUT OF THE PROPERTY.~~

The notice of appearance or answer must be delivered to:

- Name
- Street Address
- Telephone Number
- Facsimile Number (Required if Available))

GET HELP: If you do not respond by . . . (date) . . . you will lose your right to defend yourself in court and could be evicted. If you cannot afford a lawyer, you may call 2-1-1. They can refer you to free or low-cost legal help. They can help you find help to pay for a lawyer.

HOW TO RESPOND: Phone calls to your Landlord or your Landlord’s lawyer are not a response. You may respond with a “notice of appearance.” This is a letter that includes the following:

- (1) A statement that you are appearing in the court case
- (2) Names of the landlord(s) and the tenant(s) (as listed above)
- (3) Your name, your address where legal documents may be sent, your signature, phone number (if any), and case number (if the case is filed)

This case is / is not filed with the court. If this case is filed, you need to also file your response with the court by delivering a copy to the clerk of the court at: (Clerk’s Office/Address/Room number/Business hours of court clerk)

WHERE TO RESPOND: You must mail, fax, or hand deliver your response letter to your Landlord’s lawyer, or if no lawyer is named in the complaint, to your Landlord. If you mail the response letter, you must do it by . . . (3 days before deadline) . .

... Get a proof of mailing from the post office. If you hand deliver or fax it, you must do it by .. (date of deadline) ... The address is:
. (Attorney/Landlord Name)
. (Address)
. (Fax - required if available)

COURT DATE: If you respond to this Summons, you will be notified of your hearing date in a document called an “Order to Show Cause.” This is usually mailed to you. If you get notice of a hearing, **you must go to the hearing.** If you do not show up, your landlord can evict you. Your landlord might also charge you more money. If you move before the court date, you must tell your landlord or the landlord’s attorney.

Sec. 9. RCW 59.18.290 and 2010 c 8 s 19028 are each amended to read as follows:

(1) It ~~((shall be))~~ is unlawful for the landlord to remove or exclude from the premises the tenant thereof except under a court order so authorizing. Any tenant so removed or excluded in violation of this section may recover possession of the property or terminate the rental agreement and, in either case, may recover the actual damages sustained. The prevailing party may recover the costs of suit or arbitration and reasonable ~~((attorney’s))~~ attorneys’ fees.

(2) It ~~((shall be))~~ is unlawful for the tenant to hold over in the premises or exclude the landlord therefrom after the termination of the rental agreement except under a valid court order so authorizing. Subject to RCW 59.18.410, any landlord so deprived of possession of premises in violation of this section may recover possession of the property and damages sustained by him or her, and the prevailing party may recover his or her costs of suit or arbitration and reasonable ~~((attorney’s))~~ attorneys’ fees.

Sec. 10. RCW 59.18.055 and 1997 c 86 s 1 are each amended to read as follows:

(1) When the ~~((plaintiff))~~ landlord, after the exercise of due diligence, is unable to personally serve the summons on the ~~((defendant))~~ tenant, the ~~((court))~~ landlord may ~~((authorize))~~ use the alternative means of service ~~((described herein. Upon filing of an affidavit from the person or persons attempting service describing those attempts, and the filing of an affidavit from the plaintiff, plaintiff’s agent, or plaintiff’s attorney stating the belief that the defendant cannot be found, the court may enter an order authorizing service of the summons))~~ as follows:

(a) The summons and complaint shall be posted in a conspicuous place on the premises unlawfully held, not less than nine days from the return date stated in the summons; and

(b) Copies of the summons and complaint shall be deposited in the mail, postage prepaid, by both regular mail and certified mail directed to the ~~((defendant’s))~~ tenant’s or ~~((defendants’))~~ tenants’ last known address not less than nine days from the return date stated in the summons.

(2) When service on the ~~((defendant))~~ tenant or ~~((defendants))~~ tenants is accomplished by this alternative procedure, the court’s jurisdiction is limited to restoring possession of the premises to the ~~((plaintiff))~~ landlord and no money judgment may be entered against the ~~((defendant))~~ tenant or ~~((defendants))~~ tenants until such time as jurisdiction over the ~~((defendant))~~ tenant or ~~((defendants))~~ tenants is obtained.

~~((2))~~ (3) Before the entry of any judgment or issuance of a writ of restitution due to the tenant’s failure to appear, the landlord shall provide the court with an affidavit from the person or persons attempting service that describes the service achieved, or if by alternative service pursuant to this section, that describes the efforts at personal service before alternative service was used and an affidavit from the landlord, landlord’s agent, or landlord’s attorney stating his or her belief that the tenant cannot be found.

(4) For the purposes of subsection (1) of this section, the exercise of due diligence is met if the landlord attempts personal service on the tenant at least three times over not less than two days and at different times of the day.

(5) This section shall apply to this chapter and chapter 59.20 RCW.

Sec. 11. RCW 43.31.605 and 2018 c 66 s 2 are each amended to read as follows:

(1)(a) Subject to the availability of funds for this purpose, the landlord mitigation program is created and administered by the department. The department shall have such rule-making authority as the department deems necessary to administer the program.

(b) The following types of claims related to landlord mitigation for renting private market rental units to low-income tenants using a housing subsidy program are eligible for reimbursement from the landlord mitigation program account:

~~((a))~~ (i) Up to one thousand dollars for improvements identified in RCW 59.18.255(1)(a). In order to be eligible for reimbursement under this subsection (1)~~((a))~~ (b)(i), the landlord must pay for the first five hundred dollars for improvements, and rent to the tenant whose housing subsidy program was conditioned on the real property passing inspection. Reimbursement under this subsection (1)~~((a))~~ (b)(i) may also include up to fourteen days of lost rental income from the date of offer of housing to the applicant whose housing subsidy program was conditioned on the real property passing inspection until move in by that applicant;

~~((b))~~ (ii) Reimbursement for damages as reflected in a judgment obtained against the tenant through either an unlawful detainer proceeding, or through a civil action in a court of competent jurisdiction after a hearing;

~~((c))~~ (iii) Reimbursement for damages established pursuant to subsection (2) of this section; and

~~((d))~~ (iv) Reimbursement for unpaid rent and unpaid utilities, provided that the landlord can evidence it to the department's satisfaction.

(c) Claims related to landlord mitigation for an unpaid judgment for rent, late fees, attorneys' fees, and costs after a court order pursuant to RCW 59.18.410(3) are eligible for reimbursement from the landlord mitigation program account. Claims under this subsection are not subject to subsection (4) of this section.

(2) In order for a claim under subsection (1)~~((a))~~ (b)(iii) of this section to be eligible for reimbursement from the landlord mitigation program account, a landlord must:

(a) Have ensured that the rental property was inspected at the commencement of the tenancy by both the tenant and the landlord or landlord's agent and that a detailed written move-in property inspection report, as required in RCW 59.18.260, was prepared and signed by both the tenant and the landlord or landlord's agent;

(b) Make repairs and then apply for reimbursement to the department;

(c) Submit a claim on a form to be determined by the department, signed under penalty of perjury; and

(d) Submit to the department copies of the move-in property inspection report specified in (a) of this subsection and supporting materials including, but not limited to, before repair and after repair photographs, videos, copies of repair receipts for labor and materials, and such other documentation or information as the department may request.

(3) The department shall make reasonable efforts to review a claim within ten business days from the date it received properly submitted and complete claims to the satisfaction of the department. In reviewing a claim, and determining eligibility for

reimbursement, the department must receive documentation, acceptable to the department in its sole discretion, that the claim involves a private market rental unit rented to a low-income tenant who is using a housing subsidy program.

(4) Claims related to a tenancy must total at least five hundred dollars in order for a claim to be eligible for reimbursement from the program. While claims or damages may exceed five thousand dollars, total reimbursement from the program may not exceed five thousand dollars per tenancy.

(5) Damages, beyond wear and tear, that are eligible for reimbursement include, but are not limited to: Interior wall gouges and holes; damage to doors and cabinets, including hardware; carpet stains or burns; cracked tiles or hard surfaces; broken windows; damage to household fixtures such as disposal, toilet, sink, sink handle, ceiling fan, and lighting. Other property damages beyond normal wear and tear may also be eligible for reimbursement at the department's discretion.

(6) All reimbursements for eligible claims shall be made on a first-come, first-served basis, to the extent of available funds. The department shall use best efforts to notify the tenant of the amount and the reasons for any reimbursements made.

(7) The department, in its sole discretion, may inspect the property and the landlord's records related to a claim, including the use of a third-party inspector as needed to investigate fraud, to assist in making its claim review and determination of eligibility.

(8) A landlord in receipt of reimbursement from the program is prohibited from:

(a) Taking legal action against the tenant for damages attributable to the same tenancy; or

(b) Pursuing collection, or authorizing another entity to pursue collection on the landlord's behalf, of a judgment against the tenant for damages attributable to the same tenancy.

(9) A landlord denied reimbursement under subsection (1)~~((a))~~ (b)(iii) of this section may seek to obtain a judgment from a court of competent jurisdiction and, if successful, may resubmit a claim for damages supported by the judgment, along with a certified copy of the judgment. The department may reimburse the landlord for that portion of such judgment that is based on damages reimbursable under the landlord mitigation program, subject to the limitations set forth in this section.

(10) Determinations regarding reimbursements shall be made by the department in its sole discretion.

(11) The department must establish a web site that advertises the landlord mitigation program, the availability of reimbursement from the landlord mitigation program account, and maintains or links to the agency rules and policies established pursuant to this section.

(12) Neither the state, the department, or persons acting on behalf of the department, while acting within the scope of their employment or agency, is liable to any person for any loss, damage, harm, or other consequence resulting directly or indirectly from the department's administration of the landlord mitigation program or determinations under this section.

(13)(a) A report to the appropriate committees of the legislature on the effectiveness of the program and recommended modifications shall be submitted to the governor and the appropriate committees of the legislature by January 1, 2021. In preparing the report, the department shall convene and solicit input from a group of stakeholders to include representatives of large multifamily housing property owners or managers, small rental housing owners in both rural and urban markets, a representative of tenant advocates, and a representative of the housing authorities.

(b) The report shall include discussion of the effectiveness of the program as well as the department's recommendations to

improve the program, and shall include the following:

(i) The number of total claims and total amount reimbursed to landlords by the fund;

(ii) Any indices of fraud identified by the department;

(iii) Any reports by the department regarding inspections authorized by and conducted on behalf of the department;

(iv) An outline of the process to obtain reimbursement for improvements and for damages from the fund;

(v) An outline of the process to obtain reimbursement for lost rent due to the rental inspection and tenant screening process, together with the total amount reimbursed for such damages;

(vi) An evaluation of the feasibility for expanding the use of the mitigation fund to provide up to ninety-day no interest loans to landlords who have not received timely rental payments from a housing authority that is administering section 8 rental assistance;

(vii) Any other modifications and recommendations made by stakeholders to improve the effectiveness and applicability of the program.

(14) When a landlord has been reimbursed pursuant to subsection (1)(c) of this section, the tenant shall have three months from the date that judgment is entered under RCW 59.18.410(3)(e) to reimburse the department by depositing the amount disbursed from the landlord mitigation program account into the court registry of the local superior court. The local superior court shall then forward such funds to the department. The tenant or other interested party may seek an ex parte order of the court under the unlawful detainer action to order such funds to be disbursed by the court. The court clerk shall include a case number with any payment issued to the department.

(15) As used in this section:

(a) "Housing subsidy program" means a housing voucher as established under 42 U.S.C. Sec. 1437 as of January 1, 2018, or other housing subsidy program including, but not limited to, valid short-term or long-term federal, state, or local government, private nonprofit, or other assistance program in which the tenant's rent is paid either partially by the program and partially by the tenant, or completely by the program directly to the landlord;

(b) "Low-income" means income that does not exceed eighty percent of the median income for the standard metropolitan statistical area in which the private market rental unit is located; and

(c) "Private market rental unit" means any unit available for rent that is owned by an individual, corporation, limited liability company, nonprofit housing provider, or other entity structure, but does not include housing acquired, or constructed by a public housing agency under 42 U.S.C. Sec. 1437 as it existed on January 1, 2018.

Sec. 12. RCW 43.31.615 and 2018 c 66 s 3 are each amended to read as follows:

(1) The landlord mitigation program account is created in the custody of the state treasury. All transfers and appropriations by the legislature, repayments, private contributions, and all other sources must be deposited into the account. Expenditures from the account may only be used for the landlord mitigation program under this chapter to reimburse landlords for eligible claims related to private market rental units during the time of their rental to low-income tenants using housing subsidy programs as defined in RCW 43.31.605, for any unpaid judgment issued within an unlawful detainer action under chapter 59.18 RCW, and for the administrative costs identified in subsection (2) of this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an

appropriation is not required for expenditures.

(2) Administrative costs associated with application, distribution, and other program activities of the department may not exceed (~~ten~~) twenty percent of the annual funds available for the landlord mitigation program. Reappropriations must not be included in the calculation of the annual funds available for determining the administrative costs."

On page 1, line 1 of the title, after "protections;" strike the remainder of the title and insert "amending RCW 59.12.030, 59.18.410, 59.18.390, 59.18.365, 59.18.290, 59.18.055, 43.31.605, and 43.31.615; reenacting and amending RCW 59.18.030; adding new sections to chapter 59.18 RCW; and prescribing penalties."

MOTION

Senator Padden moved that the following amendment no. 320 by Senator Padden be adopted:

On page 1, line 27, after "of" strike "fourteen" and insert "four"

On page 1, line 31, after "59.18.030" insert ". For the purposes of this subsection, "four days" means four calendar days. The calculation of four calendar days does not include any weekend days or holidays"

On page 2, line 34, after "Every" strike "fourteen-day" and insert "four-day"

On page 2, at the beginning of line 36, strike "**FOURTEEN-DAY**" and insert "**FOUR-DAY**"

On page 3, at the beginning of line 13, strike "fourteen (14)" and insert "four (4)"

On page 3, line 16, after "within" strike "fourteen (14)" and insert "four (4)"

Senator Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 320 by Senator Padden on page 1, line 27 to striking amendment no. 318.

The motion by Senator Padden did not carry and amendment no. 320 was not adopted by voice vote.

MOTION

Senator Short moved that the following amendment no. 321 by Senator Short be adopted:

On page 1, line 27, after "of" strike "fourteen" and insert "five"

On page 2, line 34, after "Every" strike "fourteen-day" and insert "five-day"

On page 2, at the beginning of line 36, strike "**FOURTEEN-DAY**" and insert "**FIVE-DAY**"

On page 3, at the beginning of line 13, strike "fourteen (14)" and insert "five (5)"

On page 3, line 16, after "within" strike "fourteen (14)" and insert "five (5)"

Senator Short spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 321 by Senator Short on page 1, line 27 to striking amendment no. 318.

The motion by Senator Short did not carry and amendment no. 321 was not adopted by voice vote.

MOTION

Senator O'Ban moved that the following amendment no. 322 by Senator O'Ban be adopted:

On page 1, line 27, after "of" strike "fourteen" and insert "ten"

On page 2, line 34, after "Every" strike "fourteen-day" and insert "ten-day"

On page 2, at the beginning of line 36, strike "**FOURTEEN-DAY**" and insert "**TEN-DAY**"

On page 3, at the beginning of line 13, strike "fourteen (14)" and insert "ten (10)"

On page 3, line 16, after "within" strike "fourteen (14)" and insert "ten (10)"

Senators O'Ban, Wagoner, Honeyford, Fortunato and Padden spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 322 by Senator O'Ban on page 1, line 27 to striking amendment no. 318.

The motion by Senator O'Ban did not carry and amendment no. 322 was not adopted by voice vote.

MOTION

Senator Wagoner moved that the following amendment no. 323 by Senator Wagoner be adopted:

Beginning on page 8, line 38, after "chapter" strike all material through "A" on page 9, line 1 and insert ", a"

On page 9, beginning on line 4, strike all of subsection (2)

Senator Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 323 by Senator Wagoner on page 8, line 38 to striking amendment no. 318.

The motion by Senator Wagoner did not carry and amendment no. 323 was not adopted by voice vote.

MOTION

Senator Wilson, L. moved that the following amendment no. 326 by Senator Wilson, L. be adopted:

Beginning on page 9, line 38, after "dollars" strike all material through "section" on page 10, line 6

On page 10, beginning on line 22, after "subsection" strike all material through "section" on line 23

Beginning on page 10, line 28, after "(3)" strike all material through "(4)" on page 13, line 11

Re-number the remaining subsection consecutively and correct any internal references accordingly.

On page 11, line 9, after "reinstate:" insert "and"

On page 11, beginning on line 12, after "judgment" strike all material through "43.31.605" on line 14

Beginning on page 20, line 12, strike all of sections 11 and 12 Correct any internal references accordingly.

On page 25, line 5, after "59.18.290," insert "and" and after "59.18.055" strike all material through "43.31.615"

Senators Wilson, L., Honeyford, Schoesler and Padden spoke

in favor of adoption of the amendment to the striking amendment.

Senator Kuderer spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 326 by Senator Wilson, L. on page 9, line 38 to striking amendment no. 318.

The motion by Senator Wilson, L. did not carry and amendment no. 326 was not adopted by voice vote.

MOTION

Senator Honeyford moved that the following amendment no. 325 by Senators Honeyford, Kuderer and Mullet be adopted:

"NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2019, in the capital or operating omnibus appropriations acts, this act is null and void."

On page 25, line 7, after "RCW;" insert "creating a new section;"

Senators Honeyford and Kuderer spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 325 by Senators Honeyford, Kuderer and Mullet on page 25, line 7 to striking amendment no. 318.

The motion by Senator Honeyford carried and amendment no. 325 was adopted by voice vote.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 318 by Senator Kuderer as amended to Substitute Senate Bill No. 5600.

The motion by Senator Kuderer carried and striking amendment no. 318 as amended was adopted by voice vote.

MOTION

On motion of Senator Kuderer, the rules were suspended, Engrossed Substitute Senate Bill No. 5600 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kuderer spoke in favor of passage of the bill.

PARLIAMENTARY INQUIRY

Senator Wagoner: "With respect to Rule 22, which I am informed has to do with personal or direct interest, I spoke today that I am a landlord and I feel like there are probably a lot of other landlords in this body. So, I would like to know if I should abstain from voting on this matter?"

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Keiser: "Thank you Senator, since you are part of a very large class of people who would be affected by this bill and the benefit or detriment to you is not any more direct than to anyone else your interest is not direct enough to prevent you from voting on this measure. I would also remind you that Rule 22 also provides that every member within the bar of the Senate shall vote unless excused by unanimous vote of the members present."

Senators Zeiger and Mullet spoke in favor of passage of the bill.

Senators Fortunato, Schoesler, Sheldon, Walsh, Wagoner and O'Ban spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5600.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5600 and the bill passed the Senate by the following vote: Yeas, 31; Nays, 15; Absent, 0; Excused, 3.

Voting yea: Senators Billig, Braun, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Honeyford, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rivers, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Warnick, Wellman, Wilson, C. and Zeiger

Voting nay: Senators Becker, Brown, Ericksen, Fortunato, Hawkins, Holy, King, O’Ban, Padden, Schoesler, Sheldon, Short, Wagoner, Walsh and Wilson, L.

Excused: Senators Bailey, Carlyle and Hobbs

ENGROSSED SUBSTITUTE SENATE BILL NO. 5600, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5853, by Senators Pedersen, Warnick, Frockt, Bailey, Carlyle, Zeiger, Dhingra, Becker, Wellman, Walsh, King, Lias, Wagoner, Palumbo, Hobbs, Rivers, Keiser, Hunt, Darneille, Rolfes, Hasegawa, Conway, Braun, Billig, Kuderer, Salomon, Cleveland, McCoy, Nguyen, Short, Das, Hawkins, Takko, Saldaña, Randall, O’Ban, Wilson, C., Van De Wege and Wilson L.

Regarding the school construction assistance program.

MOTION

On motion of Senator Pedersen, Substitute Senate Bill No. 5853 was substituted for Senate Bill No. 5853 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Frockt moved that the following amendment no. 294 by Senators Frockt, Pedersen and Warnick be adopted:

On page 5, line 9, strike “one-third” and insert “thirty percent”
On page 5, line 15, strike “one-third” and insert “thirty percent”

Senator Frockt spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 294 by Senators Frockt, Pedersen and Warnick on page 5, line 9 to Substitute Senate Bill No. 5853.

The motion by Senator Frockt carried and amendment no. 294 was adopted by voice vote.

MOTION

On motion of Senator Pedersen, the rules were suspended, Engrossed Substitute Senate Bill No. 5853 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pedersen and King spoke in favor of passage of the

bill.

Senator Honeyford spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5853.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5853 and the bill passed the Senate by the following vote: Yeas, 40; Nays, 5; Absent, 1; Excused, 3.

Voting yea: Senators Becker, Billig, Braun, Brown, Cleveland, Conway, Darneille, Das, Dhingra, Fortunato, Frockt, Hasegawa, Hawkins, Holy, Hunt, Keiser, King, Kuderer, Lias, Lovelett, McCoy, Nguyen, O’Ban, Palumbo, Pedersen, Rivers, Rolfes, Saldaña, Schoesler, Sheldon, Short, Takko, Van De Wege, Wagoner, Walsh, Warnick, Wellman, Wilson, C., Wilson, L. and Zeiger

Voting nay: Senators Honeyford, Mullet, Padden, Randall and Salomon

Absent: Senator Ericksen

Excused: Senators Bailey, Carlyle and Hobbs

ENGROSSED SUBSTITUTE SENATE BILL NO. 5853, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Rivers, Senator Ericksen was excused.

SECOND READING

SENATE BILL NO. 5393, by Senators Palumbo, Rolfes, Frockt, McCoy, Wellman, Lias, Pedersen, Darneille, Dhingra, Van De Wege, Hunt, Wilson, C., Keiser and Kuderer

Establishing a statewide free college program by changing the state need grant to the Washington college promise scholarship.

MOTION

On motion of Senator Palumbo, Second Substitute Senate Bill No. 5393 was substituted for Senate Bill No. 5393 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Palumbo moved that the following striking amendment no. 328 by Senators Palumbo, Frockt and Lias be adopted:

Strike everything after the enacting clause and insert the following:

**“PART I
CREATES THE WASHINGTON COLLEGE PROMISE
SCHOLARSHIP PROGRAM TO REPLACE THE STATE
NEED GRANT PROGRAM**

NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.92 RCW to read as follows:

(1) The legislature finds that individuals with a postsecondary credential have a greater chance of earning a wage that can support themselves and their families than if they do not obtain a

postsecondary credential. At the same time, Washington employers are in need of many more individuals who possess postsecondary qualifications. Access to postsecondary opportunities are vital to ensure that more Washington high school graduates and working adults can enter and complete a postsecondary program and compete for the job opportunities available in the state.

(2) The legislature further finds that a statewide free college program, for students who demonstrate financial need as defined in section 3 of this act, is necessary to significantly reduce the financial costs of obtaining a postsecondary credential. The Washington college promise scholarship program is intended to increase access to postsecondary opportunities for Washington residents.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.92 RCW to read as follows:

(1) The Washington college promise scholarship program is created to provide a statewide free college program for eligible participants and greater access to postsecondary education for Washington residents. The Washington college promise scholarship program is intended to increase the number of high school graduates and adults that can attain a postsecondary credential and provide them with the qualifications needed to compete for job opportunities in Washington.

(2) The office of student financial assistance shall implement and administer the Washington college promise scholarship program and is authorized to establish rules necessary for implementation of the program.

(3) The legislature shall appropriate funding for the Washington college promise scholarship program for eligible students whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services. Allocations must be made on the basis of estimated eligible participants enrolled in eligible institutions of higher education or apprenticeship programs. All eligible students whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services are entitled to a Washington college promise scholarship.

(4) The office shall award Washington college promise scholarships to all eligible students whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services beginning in academic year 2021-22.

(5) To be eligible for the Washington college promise scholarship, students must meet the following requirements:

- (a) Demonstrate financial need under section 3 of this act;
- (b)(i) Be enrolled or accepted for enrollment for at least three quarter credits or the equivalent semester credits at an institution of higher education in Washington as defined in RCW 28B.92.030; or
- (ii) Be enrolled in a registered apprenticeship program approved under chapter 49.04 RCW;
- (c)(i) Be a resident student as defined in RCW 28B.15.012(2) (a) through (e); or
- (ii) Be a student who has:
 - (A) Completed the full senior year of high school and obtained a high school diploma, or the equivalent, either at a Washington public high school or private high school approved under chapter 28A.195 RCW;
 - (B) Lived in Washington state for at least three years immediately before receiving the diploma or its equivalent;
 - (C) Continuously lived in Washington state after receiving the diploma or its equivalent and until such time as the individual is

admitted to an eligible institution of higher education; and

(D) Been granted deferred action for childhood arrival status pursuant to the rules and regulations adopted by the United States citizenship and immigration services;

(d) File an annual application for financial aid as approved by the office; and

(e) Must not have earned a baccalaureate degree or higher from a postsecondary institution.

(6) Washington college promise scholarship eligibility may not extend beyond five years or one hundred twenty-five percent of the published length of the program in which the student is enrolled or the credit or clock-hour equivalent.

(7) Institutional aid administrators shall determine whether a student eligible for the Washington college promise scholarship in a given academic year may remain eligible for the ensuing year if the student's family income increases by no more than three percent.

(8) Qualifications for receipt and renewal include maintaining satisfactory academic progress toward completion of an eligible program as determined by the office and established in rule.

(9) Should a recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship shall be returned to the state educational grant fund by the institution of higher education according to the institution of higher education's policy for issuing refunds, except as provided in RCW 28B.92.070.

(10) An eligible student enrolled on a part-time basis shall receive a prorated portion of the Washington college promise scholarship for any academic period in which he or she is enrolled on a part-time basis.

(11) The Washington college promise scholarship is intended to be used to meet the costs of postsecondary education for students with financial need. The student shall be awarded all need-based financial aid for which the student qualifies as determined by the institution.

(12) Students and participating institutions of higher education shall comply with all the rules adopted by the council for the administration of this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.92 RCW to read as follows:

(1) In addition to other eligibility requirements outlined in this chapter, students who demonstrate financial need are eligible to receive the Washington college promise scholarship. For the purposes of this act, students who demonstrate financial need are students with family incomes at or below seventy percent of the state median family income, adjusted for family size.

(2) Students with family incomes at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, shall receive the maximum Washington college promise scholarship award as defined in RCW 28B.92.030. Awards for students with incomes above one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, and below seventy percent of the state median family income are subject to amounts appropriated and shall be prorated at the following percentages of the maximum Washington college promise scholarship award as defined in RCW 28B.92.030:

- (a) One hundred percent for students with family incomes above one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, but at or below fifty percent of the state median family income;
- (b) Seventy percent for students with family incomes between fifty-one and fifty-five percent of the state median family income;
- (c) Sixty-five percent for students with family incomes

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

between fifty-six and sixty percent of the state median family income;

(d) Sixty percent for students with family incomes between sixty-one and sixty-five percent of the state median family income; and

(e) Fifty percent for students with family incomes between sixty-six and seventy percent of the state median family income.

Sec. 4. RCW 28B.92.030 and 2013 c 248 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Council" means the student achievement council.

~~(2) ("Disadvantaged student" means a posthigh school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full-time student in an institution of higher education, who would otherwise qualify as a needy student, and who is attending an institution of higher education under an established program designed to qualify the student for enrollment as a full-time student.~~

~~(3))~~ "Financial aid" means loans and/or grants to ~~((needy))~~ students who demonstrate financial need enrolled or accepted for enrollment as a student at institutions of higher education.

(3) "Financial need" means a demonstrated financial inability to bear the total cost of education as directed in rule by the office.

(4) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level that is a member institution of an accrediting association recognized by rule of the council for the purposes of this section and that agrees to and complies with program rules adopted pursuant to RCW 28B.92.150. However, any institution, branch, extension or facility operating within the state of Washington that is affiliated with an institution operating in another state must be:

(i) A separately accredited member institution of any such accrediting association;

(ii) A branch of a member institution of an accrediting association recognized by rule of the council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students; ~~((or))~~

(iii) A nonprofit institution recognized by the state of Washington as provided in RCW 28B.77.240; or

(iv) An approved apprenticeship program under chapter 49.04 RCW.

~~(5) ("Needy student" means a posthigh school student of an institution of higher education who demonstrates to the office the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter. "Needy student" also means an opportunity internship graduate as defined by RCW 28C.18.162 who enrolls in a postsecondary program of study as defined in RCW 28C.18.162 within one year of high school graduation.)~~ "Maximum Washington college promise scholarship award":

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, is tuition and estimated fees for fifteen quarter credit hours or the equivalent, as determined by the office, including operating fees, building fees, and services and activities fees.

(b) For students attending private four-year institutions of higher education in Washington, is the lesser of the maximum Washington college promise scholarship award under (a) of this subsection, or individual institution tuition for fifteen quarter credit hours or the equivalent.

(c) For students attending two-year private institutions of higher education in Washington, is the lesser of the maximum Washington college promise scholarship award at a community or technical college or individual institution tuition for fifteen quarter credit hours or the equivalent.

(d) For students attending approved apprenticeship programs, is tuition and fees, as determined by the office, in addition to required program supplies and equipment.

(6) "Office" means the office of student financial assistance.

~~((7) "Placebound student" means a student who (a) is unable to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors; and (b) may be influenced by the receipt of an enhanced student financial aid award to complete a baccalaureate degree at an eligible institution.))~~

PART II

CASELOAD FORECAST

NEW SECTION. **Sec. 5.** A new section is added to chapter 28B.92 RCW to read as follows:

The caseload forecast council shall estimate the anticipated caseload of the Washington college promise scholarship program and submit the caseload forecast as specified in RCW 43.88C.020.

Sec. 6. RCW 43.88C.010 and 2018 c 208 s 4 are each amended to read as follows:

(1) The caseload forecast council is hereby created. The council shall consist of two individuals appointed by the governor and four individuals, one of whom is appointed by the chairperson of each of the two largest political caucuses in the senate and house of representatives. The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary.

(2) The council shall employ a caseload forecast supervisor to supervise the preparation of all caseload forecasts. As used in this chapter, "supervisor" means the caseload forecast supervisor.

(3) Approval by an affirmative vote of at least five members of the council is required for any decisions regarding employment of the supervisor. Employment of the supervisor shall terminate after each term of three years. At the end of the first year of each three-year term the council shall consider extension of the supervisor's term by one year. The council may fix the compensation of the supervisor. The supervisor shall employ staff sufficient to accomplish the purposes of this section.

(4) The caseload forecast council shall oversee the preparation of and approve, by an affirmative vote of at least four members, the official state caseload forecasts prepared under RCW 43.88C.020. If the council is unable to approve a forecast before a date required in RCW 43.88C.020, the supervisor shall submit the forecast without approval and the forecast shall have the same effect as if approved by the council.

(5) A councilmember who does not cast an affirmative vote for approval of the official caseload forecast may request, and the supervisor shall provide, an alternative forecast based on assumptions specified by the member.

(6) Members of the caseload forecast council shall serve without additional compensation but shall be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council

shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) "Caseload," as used in this chapter, means:

(a) The number of persons expected to meet entitlement requirements and require the services of public assistance programs, state correctional institutions, state correctional noninstitutional supervision, state institutions for juvenile offenders, the common school system, long-term care, medical assistance, foster care, and adoption support;

(b) The number of students who are eligible for the Washington college bound scholarship program and are expected to attend an institution of higher education as defined in RCW 28B.92.030;

(c) The number of students whose family income is at or below one hundred ten percent of the federal poverty level, as published annually by the federal department of health and human services, are eligible for the Washington college promise scholarship program under section 2 of this act, and are expected to attend an institution of higher education as defined in RCW 28B.92.030; and

(d) The number of children who are eligible, as defined in RCW 43.216.505, to participate in, and the number of children actually served by, the early childhood education and assistance program.

(8) The caseload forecast council shall forecast the temporary assistance for needy families and the working connections child care programs as a courtesy.

(9) The caseload forecast council shall forecast youth participating in the extended foster care program pursuant to RCW 74.13.031 separately from other children who are residing in foster care and who are under eighteen years of age.

(10) The caseload forecast council shall forecast the number of youth expected to receive behavioral rehabilitation services while involved in the foster care system and the number of screened in reports of child abuse or neglect.

(11) Unless the context clearly requires otherwise, the definitions provided in RCW 43.88.020 apply to this chapter.

PART III UPDATING REFERENCES

Sec. 7. RCW 28B.10.790 and 2012 c 229 s 518 are each amended to read as follows:

Washington residents attending any nonprofit college or university in another state which has a reciprocity agreement with the state of Washington shall be eligible for the student financial aid program outlined in chapter 28B.92 RCW if:

(1) They qualify as a ("needy student") student who demonstrates financial need as defined under RCW 28B.92.030((4,)); and

(2) The institution attended is a member institution of an accrediting association recognized by rule of the student achievement council for the purposes of this section and is specifically encompassed within or directly affected by such reciprocity agreement and agrees to and complies with program rules and regulations pertaining to such students and institutions adopted pursuant to RCW 28B.92.150.

Sec. 8. RCW 28B.12.030 and 2017 c 52 s 1 are each amended to read as follows:

~~(As used) The definitions in this section apply throughout this chapter((, the following words and terms shall have the following meanings,)) unless the context ((shall) clearly ((indicate another or different meaning or intent:)) requires otherwise.~~

~~(1) ((The term "needy student" shall mean a student enrolled or accepted for enrollment at a postsecondary institution who, according to a system of need analysis approved by the office of student financial assistance, demonstrates a financial inability,~~

~~either parental, familial, or personal, to bear the total cost of education for any semester or quarter.~~

~~(2) The term) "Eligible institution" ((shall)) means any postsecondary institution in this state accredited by the Northwest Association of Schools and Colleges, or a campus of a member institution of an accrediting association recognized by rule of the student achievement council for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, or any public technical college in the state.~~

~~(2) "Financial need" has the same meaning as in RCW 28B.92.030.~~

Sec. 9. RCW 28B.92.040 and 2011 1st sp.s. c 11 s 160 are each amended to read as follows:

The office shall be cognizant of the following guidelines in the performance of its duties:

(1) The office shall be research oriented, not only at its inception but continually through its existence.

(2) The office shall coordinate all existing programs of financial aid except those specifically dedicated to a particular institution by the donor.

(3) The office shall take the initiative and responsibility for coordinating all federal student financial aid programs to ensure that the state recognizes the maximum potential effect of these programs, and shall design state programs that complement existing federal, state, and institutional programs. ~~((The office shall ensure that state programs continue to follow the principle that state financial aid funding follows the student to the student's choice of institution of higher education.))~~

(4) Counseling is a paramount function of the ~~((state need grant))~~ Washington college promise scholarship program and other state student financial aid programs, and in most cases could only be properly implemented at the institutional levels; therefore, state student financial aid programs shall be concerned with the attainment of those goals which, in the judgment of the office, are the reasons for the existence of a student financial aid program, and not solely with administration of the program on an individual basis.

(5) The "package" approach of combining loans, grants and employment for student financial aid shall be the conceptual element of the state's involvement.

(6) The office shall ensure that allocations of state appropriations for financial aid are made to individuals and institutions in a timely manner and shall closely monitor expenditures to avoid under or overexpenditure of appropriated funds.

Sec. 10. RCW 28B.92.065 and 2015 3rd sp.s. c 36 s 4 are each amended to read as follows:

Beginning with the 2015-2017 omnibus appropriations act and each biennium thereafter, reductions in tuition levels resulting from section 3, chapter 36, Laws of 2015 3rd sp. sess. will allow the legislature to reduce ~~((state need grant))~~ Washington college promise scholarship program appropriations by an equal amount from the 2013-2015 fiscal biennium amounts. The legislature does not intend to reduce award levels for private colleges and universities below the 2014-15 academic year levels.

~~((By reducing the overall cost of tuition, the legislature in future biennia is better able and intends to serve those students currently eligible but unserved in the state need grant.))~~

Sec. 11. RCW 28B.15.065 and 1977 ex.s. c 322 s 6 are each amended to read as follows:

It is the intent of the legislature that ~~((needy))~~ students who

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

demonstrate financial need not be deprived of access to higher education due to increases in educational costs or consequent increases in tuition and fees. It is the sense of the legislature that state appropriations for student financial aid be adjusted in an amount which together with funds estimated to be available in the form of basic educational opportunity grants as authorized under Section 411 of the federal Higher Education Act of 1965 as now or hereafter amended will equal twenty-four percent of any change in revenue estimated to occur as a result of revisions in tuition and fee levels under the provisions of chapter 322, Laws of 1977 ex. sess.

Sec. 12. RCW 28B.15.740 and 2015 c 55 s 223 are each amended to read as follows:

(1) Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may waive all or a portion of tuition and fees for (~~needy~~) students who demonstrate financial need and are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 and 28B.15.013. Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community and technical colleges may waive all or a portion of tuition and fees for other students at the discretion of the governing boards, except on the basis of participation in intercollegiate athletic programs, not to exceed three-fourths of one percent of gross authorized operating fees revenue under RCW 28B.15.910 for the community and technical colleges considered as a whole and not to exceed two percent of gross authorized operating fees revenue for the other institutions of higher education.

(2) In addition to the tuition and fee waivers provided in subsection (1) of this section and subject to the provisions of RCW 28B.15.455, 28B.15.460, and 28B.15.910, a total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college under this chapter, not to exceed one percent, as calculated in subsection (1) of this section, may be used for the purpose of achieving or maintaining gender equity in intercollegiate athletic programs. At any institution that has an underrepresented gender class in intercollegiate athletics, any such waivers shall be awarded:

(a) First, to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; and

(b) Second, (i) to nonmembers of the underrepresented gender class who participate in intercollegiate athletics, where such waivers result in saved or displaced money that can be used for athletic programs for members of the underrepresented gender class. Such saved or displaced money shall be used for programs for the underrepresented gender class; or (ii) to members of the underrepresented gender class who participate in intercollegiate athletics, where such waivers do not result in any saved or displaced money that can be used for athletic programs for members of the underrepresented gender class.

Sec. 13. RCW 28B.15.760 and 2012 c 229 s 528 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 28B.15.762 and 28B.15.764.

(1) "Borrower" means an eligible student who has received a loan under RCW 28B.15.762.

(2) "Council" means the student achievement council.

(3) "Eligible student" means a student registered for at least ten credit hours or the equivalent and demonstrates achievement of a 3.00 grade point average for each academic year, who is a resident student as defined by RCW 28B.15.012 through 28B.15.015, who is a (~~needy~~) student(²) who demonstrates financial need as defined in RCW 28B.92.030, and who has a declared major in a program leading to a degree in teacher education in a field of science or mathematics, or a certificated teacher who meets the same credit hour and (~~needy student~~) financial eligibility requirements and is seeking an additional degree in science or mathematics.

(4) "Forgiven" or "to forgive" means to collect service as a teacher in a field of science or mathematics at a public school in the state of Washington in lieu of monetary payment.

(5) "Institution of higher education" or "institution" means a college or university in the state of Washington which is a member institution of an accrediting association recognized as such by rule of the council.

(6) "Office" means the office of student financial assistance.

(7) "Public school" means a middle school, junior high school, or high school within the public school system referred to in Article IX of the state Constitution.

(8) "Satisfied" means paid-in-full.

Sec. 14. RCW 28B.15.762 and 2012 c 229 s 529 are each amended to read as follows:

(1) The council may make long-term loans to eligible students at institutions of higher education from the funds appropriated to the council for this purpose. The amount of any such loan shall not exceed the demonstrated financial need of the student or two thousand five hundred dollars for each academic year whichever is less, and the total amount of such loans to an eligible student shall not exceed ten thousand dollars. The interest rates and terms of deferral of such loans shall be consistent with the terms of the guaranteed loan program established by 20 U.S.C. Sec. 1701 et seq. The period for repaying the loan principal and interest shall be ten years with payments accruing quarterly commencing nine months from the date the borrower graduated. The entire principal and interest of each loan payment shall be forgiven for each payment period in which the borrower teaches science or mathematics in a public school in this state until the entire loan is satisfied or the borrower ceases to teach science or mathematics at a public school in this state. Should the borrower cease to teach science or mathematics at a public school in this state before the time in which the principal and interest on the loan are satisfied, payments on the unsatisfied portion of the principal and interest on the loan shall begin the next payment period and continue until the remainder of the loan is paid.

(2) The council is responsible for collection of loans made under subsection (1) of this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Collection and servicing of loans under subsection (1) of this section shall be pursued using the full extent of the law, including wage garnishment if necessary, and shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency. The council is responsible to forgive all or parts of such loans under the criteria established in subsection (1) of this section and shall maintain all necessary records of forgiven payments.

(3) Receipts from the payment of principal or interest or any other subsidies to which the council as lender is entitled, which are paid by or on behalf of borrowers under subsection (1) of this section, shall be deposited with the office and shall be used to cover the costs of making the loans under subsection (1) of this section, maintaining necessary records, and making collections

under subsection (2) of this section. The office shall maintain accurate records of these costs, and all receipts beyond those necessary to pay such costs shall be used to make loans to eligible students.

(4) Any funds not used to make loans, or to cover the cost of making loans or making collections, shall be placed in the state educational trust fund for ~~((needy or disadvantaged))~~ students who demonstrate financial need.

(5) The council shall adopt necessary rules to implement this section.

Sec. 15. RCW 28B.15.820 and 2009 c 215 s 9 are each amended to read as follows:

(1) Each institution of higher education, including technical colleges, shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in an institutional financial aid fund that is hereby created and which shall be held locally. Moneys in the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; (c) to provide financial aid to ~~((needy))~~ students who demonstrate financial need as provided in subsection (10) of this section; or (d) to provide financial aid to students as provided in subsection (11) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least three credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 and 28B.15.013, and who is a ~~((needy))~~ student~~((s))~~ who demonstrates financial need as defined in RCW 28B.92.030.

(3) The amount of the guaranteed long-term loans made under this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section

shall be coordinated by the state board for community and technical colleges and shall be conducted under procedures adopted by the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, that are paid by or on behalf of borrowers of funds under subsections (3) through (8) of this section, shall be deposited in each institution's financial aid fund and shall be used to cover the costs of making the guaranteed long-term loans under this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of aggregate outstanding loan principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be deposited in the institution's financial aid fund.

(7) The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges, on behalf of the community colleges and technical colleges, shall each adopt necessary rules and regulations to implement this section.

(8) First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term loans, not to exceed one year, may be made from the institutional financial aid fund to students enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional financial aid fund that are not used in making long-term or short-term loans may be used by the institution for locally administered financial aid programs for ~~((needy))~~ students who demonstrate financial need, such as need-based institutional employment programs or need-based tuition and fee scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds that would otherwise support these locally administered financial aid programs. First priority in the use of these funds shall be given to ~~((needy))~~ students who demonstrate financial need and have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study. Second priority in the use of these funds shall be given to ~~((needy))~~ single parents who are students who demonstrate financial need, to assist these students with their educational expenses, including expenses associated with child care and transportation.

(11) Any moneys deposited in the institutional financial aid fund may be used by the institution for a locally administered financial aid program for high school students enrolled in dual credit programs. If institutions use funds in this manner, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges shall each adopt necessary rules to implement this subsection. Moneys from this fund may be used for all educational expenses related to a student's participation in a dual credit program including but not limited to tuition, fees, course materials, and transportation.

Sec. 16. RCW 28B.108.010 and 2011 1st sp.s. c 11 s 191 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Eligible student" or "student" means an American Indian who is a ~~((financially needy))~~ student who demonstrates financial need, as defined in RCW 28B.92.030, who is a resident student, as defined by RCW 28B.15.012(2), who is a full-time student at an institution of higher education, and who promises to use his or her education to benefit other American Indians.

(2) "Institution of higher education" or "institution" means a college or university in the state of Washington which is accredited by an accrediting association recognized as such by rule of the council for higher education.

(3) "Office" means the office of student financial assistance.

Sec. 17. RCW 28B.116.010 and 2013 c 39 s 10 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Cost of attendance" means the cost associated with the attendance of the institution of higher education as determined by the office of student financial assistance, including but not limited to tuition, room, board, and books.

(2) "Eligible student" means a student who:

(a) Is between the ages of sixteen and twenty-three;

(b) Has been in foster care in the state of Washington for a minimum of six months since his or her fourteenth birthday;

(c) Is a ~~((financially needy))~~ student who demonstrates financial need, as defined in RCW 28B.92.030;

(d) Is a resident student, as defined in RCW 28B.15.012(2);

(e) Has entered or will enter an institution of higher education in Washington state within three years of high school graduation or having successfully completed his or her high school equivalency certificate as provided in RCW 28B.50.536;

(f) Is not pursuing a degree in theology; and

(g) Makes satisfactory progress towards the completion of a degree or certificate program.

(3) "Institution of higher education" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the student achievement council.

(4) "Office" means the office of student financial assistance.

Sec. 18. RCW 28A.180.120 and 2017 c 236 s 4 are each amended to read as follows:

In 2017, funds must be appropriated for the purposes in this section.

(1) The professional educator standards board, beginning in the 2017-2019 biennium, shall administer the bilingual educator initiative, which is a long-term program to recruit, prepare, and mentor bilingual high school students to become future bilingual teachers and counselors.

(2) Subject to the availability of amounts appropriated for this specific purpose, pilot projects must be implemented in one or two school districts east of the crest of the Cascade mountains and one or two school districts west of the crest of the Cascade mountains, where immigrant students are shown to be rapidly increasing. Districts selected by the professional educator standards board must partner with at least one two-year and one four-year college in planning and implementing the program. The professional educator standards board shall provide oversight.

(3) Participating school districts must implement programs, including: (a) An outreach plan that exposes the program to middle school students and recruits them to enroll in the program when they begin their ninth grade of high school; (b) activities in ninth and tenth grades that help build student agency, such as self-confidence and awareness, while helping students to develop

academic mind-sets needed for high school and college success; the value and benefits of teaching and counseling as careers; and introduction to leadership, civic engagement, and community service; (c) credit-bearing curricula in grades eleven and twelve that include mentoring, shadowing, best practices in teaching in a multicultural world, efficacy and practice of dual language instruction, social and emotional learning, enhanced leadership, civic engagement, and community service activities.

(4) There must be a pipeline to college using two-year and four-year college faculty and consisting of continuation services for program participants, such as advising, tutoring, mentoring, financial assistance, and leadership.

(5) High school and college teachers and counselors must be recruited and compensated to serve as mentors and trainers for participating students.

(6) After obtaining a high school diploma, students qualify to receive conditional loans to cover the full cost of college tuition, fees, and books. To qualify for funds, students must meet program requirements as developed by their local implementation team, which consists of staff from their school district and the partnering two-year and four-year college faculty.

(7) In order to avoid loan repayment, students must (a) earn their baccalaureate degree and certification needed to serve as a teacher or professional guidance counselor; and (b) teach or serve as a counselor in their educational service district region for at least five years. Students who do not meet the repayment terms in this subsection are subject to repaying all or part of the financial aid they receive for college unless students are recipients of funding provided through programs such as the ~~((state need grant))~~ Washington college promise scholarship program or the college bound scholarship program.

(8) Grantees must work with the professional educator standards board to draft the report required in section 6, chapter 236, Laws of 2017.

(9) The professional educator standards board may adopt rules to implement this section.

Sec. 19. RCW 28B.76.502 and 2017 c 177 s 1 are each amended to read as follows:

(1) The office must provide a financial aid counseling curriculum to institutions of higher education with ~~((state need grant))~~ Washington college promise scholarship recipients. The curriculum must be available via a web site. The curriculum must include, but not be limited to:

(a) An explanation of the ~~((state need grant))~~ Washington college promise scholarship program rules, including maintaining satisfactory progress, repayment rules, and usage limits;

(b) Information on campus and private scholarships and work-study opportunities, including the application processes;

(c) An overview of student loan options with an emphasis on the repayment obligations a student borrower assumes regardless of program completion, including the likely consequences of default and sample monthly repayment amounts based on a range of student levels of indebtedness;

(d) An overview of personal finance, including basic money management skills such as living within a budget and handling credit and debt;

(e) Average salaries for a wide range of jobs;

(f) Financial education that meets the needs of, and includes perspectives from, a diverse group of students who are or were recipients of financial aid, including student loans, who may be trained by the financial education public-private partnership; and

(g) Contact information for local financial aid resources and the federal student aid ombuds' office.

(2) By the 2013-14 academic year, the institution of higher education must take reasonable steps to ensure that each ~~((state~~

~~need grant~~) Washington college promise scholarship recipient receives information outlined in subsection (1)(a) through (g) of this section by directly referencing or linking to the web site on the conditions of award statement provided to each recipient.

(3) By July 1, 2013, the office must disseminate the curriculum to all institutions of higher education participating in the ~~((state need grant))~~ Washington college promise scholarship program. The institutions of higher education may require ~~((nonstate need grant recipients))~~ students who are not participating in the Washington college promise scholarship program to participate in all or portions of the financial aid counseling.

(4) Subject to the availability of amounts appropriated for this specific purpose, by the 2017-18 academic year, each institution of higher education must take reasonable steps to ensure that the institution presents, and each incoming student participates in, a financial education workshop. The scope of the workshop must include, but is not limited to, the information outlined in subsection (1)(b) through (g) of this section, and include recommendations by the financial education public-private partnership. The institutions are encouraged to present these workshops during student orientation or as early as possible in the academic year.

Sec. 20. RCW 28B.76.525 and 2011 1st sp.s. c 11 s 110 are each amended to read as follows:

(1) The state financial aid account is created in the custody of the state treasurer. The primary purpose of the account is to ensure that all appropriations designated for financial aid through statewide student financial aid programs are made available to eligible students. The account shall be a nontreasury account.

(2) The office shall deposit in the account all money received for the ~~((state need grant))~~ Washington college promise scholarship program ~~((established under RCW 28B.92.010))~~ created under section 2 of this act, the state work-study program established under chapter 28B.12 RCW, the Washington scholars program established under RCW 28A.600.110, the Washington award for vocational excellence program established under RCW 28C.04.525, and the educational opportunity grant program established under chapter 28B.101 RCW. The account shall consist of funds appropriated by the legislature for the programs listed in this subsection and private contributions to the programs. Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the office may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account shall be used for scholarships to students eligible for the programs according to program rules and policies.

(4) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.

(5) Only the director of the office or the director's designee may authorize expenditures from the account.

Sec. 21. RCW 28B.76.526 and 2018 c 232 s 10 are each amended to read as follows:

The Washington opportunity pathways account is created in the state treasury. Expenditures from the account may be used only for programs in chapter 28A.710 RCW (charter schools), chapter 28B.12 RCW (state work-study), chapter 28B.50 RCW (opportunity grant), RCW 28B.76.660 (Washington scholars award), RCW 28B.76.670 (Washington award for vocational excellence), chapter 28B.92 RCW ~~((state need grant))~~

Washington college promise scholarship program), chapter 28B.105 RCW (GET ready for math and science scholarship), chapter 28B.117 RCW (passport to careers), chapter 28B.118 RCW (college bound scholarship), ~~((chapter 28B.119 RCW (Washington promise scholarship)))~~ and chapter ~~((43.215))~~ 43.216 RCW (early childhood education and assistance program).

Sec. 22. RCW 28B.76.540 and 2011 1st sp.s. c 11 s 111 are each amended to read as follows:

In addition to administrative responsibilities assigned in this chapter, the office shall administer the programs set forth in the following statutes: RCW 28A.600.100 through 28A.600.150 (Washington scholars); chapter 28B.85 RCW (degree-granting institutions); chapter 28B.92 RCW ~~((state need grant))~~ Washington college promise scholarship; chapter 28B.12 RCW (work-study); RCW 28B.15.543 ~~((tuition waivers for Washington scholars))~~ grants for undergraduate coursework; RCW 28B.15.760 through 28B.15.766 (math and science loans); RCW 28B.15.100 (reciprocity agreement); RCW 28B.15.730 through 28B.15.734 (Oregon reciprocity); RCW 28B.15.750 and 28B.15.752 (Idaho reciprocity); RCW 28B.15.756 (British Columbia reciprocity); chapter 28B.101 RCW (educational opportunity grant); chapter 28B.102 RCW (future teachers conditional scholarship); chapter 28B.108 RCW (American Indian endowed scholarship); chapter 28B.109 RCW (Washington international exchange scholarship); chapter 28B.115 RCW (health professional conditional scholarship); ~~((chapter 28B.119 RCW (Washington promise scholarship)))~~ and chapter 28B.133 RCW (gaining independence for students with dependents).

Sec. 23. RCW 28B.76.699 and 2016 c 233 s 17 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office shall administer a student teaching residency grant program to provide additional funds to individuals completing student teaching residencies at public schools in Washington.

(2) To qualify for the grant, recipients must be enrolled in a professional educator standards board-approved teacher preparation program, be completing or about to start a student teaching residency at a Title I school, and demonstrate financial need, as defined by the office and consistent with the income criteria required to receive the ~~((state need grant established))~~ Washington college promise scholarship created in chapter 28B.92 RCW.

(3) The office shall establish rules for administering the grants under this section.

Sec. 24. RCW 28B.77.020 and 2015 c 83 s 2 are each amended to read as follows:

(1) Aligned with the state's biennial budget and policy cycles, the council shall propose educational attainment goals and priorities to meet the state's evolving needs. The council shall identify strategies for meeting the goals and priorities by means of a short-term strategic action plan and a ten-year plan that serves as a roadmap.

(a) The goals must address the needs of Washington residents to reach higher levels of educational attainment and Washington's workforce needs for certificates and degrees in particular fields of study.

(b) The council shall identify the resources it deems appropriate to meet statewide goals and also recognize current state economic conditions and state resources.

(c) In proposing goals, the council shall collaborate with the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

community and technical colleges, the four-year institutions of higher education, independent colleges and degree-granting institutions, certificate-granting institutions, and the workforce training and education coordinating board.

(2) The council shall update the strategic action plan every two years with the first strategic action plan to be submitted to the governor and the legislature by December 1, 2012. The ten-year roadmap must be updated every two years with the first roadmap to be submitted to the governor and the legislature by December 1, 2013. The council must provide regular updates to the joint higher education committee created in RCW 44.04.360 as needed.

(3) In order to develop the ten-year roadmap, the council shall conduct strategic planning in collaboration with agencies and stakeholders and include input from the legislature. The council must also consult with the STEM education innovation alliance established under RCW 28A.188.030 in order to align strategies under the roadmap with the STEM framework for education and accountability developed by the alliance. The roadmap must encompass all sectors of higher education, including secondary to postsecondary transitions. The roadmap must outline strategies that address:

(a) Strategic planning, which includes setting benchmarks and goals for long-term degree production generally and in particular fields of study;

(b) Expanding access, affordability, quality, efficiency, and accountability among the various institutions of higher education;

(c) Higher education finance planning and strategic investments including budget recommendations necessary to meet statewide goals;

(d) System design and coordination;

(e) Improving student transitions;

(f) Higher education data and analysis, in collaboration with the education data center, which includes outcomes for recruitment, retention, and success of students;

(g) College and career access preparedness, in collaboration with the office of the superintendent of public instruction and the state board of education;

(h) Expanding participation and success for racial and ethnic minorities in higher education;

(i) Development and expansion of innovations in higher education including innovations to increase attainment of postsecondary certificates, and associate, baccalaureate, graduate, and professional degrees; and innovations to improve precollege education in terms of cost-effectiveness and transitions to college-level education;

(j) Strengthening the education pipeline and degree production in science, technology, engineering, and mathematics fields, and aligning strategies under the roadmap with the STEM framework for action and accountability developed under RCW 28A.188.030; and

(k) Relevant policy research.

(4) As needed, the council must conduct system reviews consistent with RCW 28B.77.080.

(5) The council shall facilitate the development and expansion of innovative practices within, between, and among the sectors to increase educational attainment and assess the effectiveness of the innovations.

(6) The council shall use the data and analysis produced by, and in consultation with, the education data center created in RCW 43.41.400 in developing policy recommendations and proposing goals. In conducting research and analysis the council at a minimum must:

(a) Identify barriers to increasing educational attainment, evaluate effectiveness of various educational models, identify

best practices, and recommend methods to overcome barriers;

(b) Analyze data from multiple sources including data from academic research and from areas and agencies outside of education including but not limited to data from the department of health, the department of corrections, and the department of social and health services to determine best practices to remove barriers and to improve educational attainment;

(c) Assess educational achievement disaggregated by income level, age, gender, race and ethnicity, country of origin, and other relevant demographic groups working with data from the education data center;

(d) Track progress toward meeting the state's goals;

(e) Communicate results and provide access to data analysis to policymakers, the superintendent of public instruction, institutions of higher education, students, and the public; and

(f) Use data from the education data center wherever appropriate to conduct duties in (a) through (e) of this subsection.

(7) The council shall collaborate with the appropriate state agencies and stakeholders, including the state board of education, the office of the superintendent of public instruction, the state board for community and technical colleges, the workforce training and education coordinating board, and the four-year institutions of higher education to improve student transitions and success including but not limited to:

(a) Setting minimum college admission standards for four-year institutions of higher education, including:

(i) A requirement that coursework in American sign language or an American Indian language satisfies any requirement for instruction in a language other than English that the council or the institutions may establish as a general undergraduate admissions requirement; and

(ii) Encouragement of the use of multiple measures to determine whether a student must enroll in a precollege course, such as placement tests, the SAT, high school transcripts, college transcripts, or initial class performance;

(b) Proposing comprehensive policies and programs to encourage students to prepare for, understand how to access, and pursue postsecondary college and career programs, including specific policies and programs for students with disabilities;

(c) Recommending policies that require coordination between or among sectors such as dual high school-college programs, awarding college credit for advanced high school work, and transfer between two and four-year institutions of higher education or between different four-year institutions of higher education; and

(d) Identifying transitions issues and solutions for students, from high school to postsecondary education including community and technical colleges, four-year institutions of higher education, apprenticeships, training, or workplace education; between two-year and four-year institutions of higher education; and from postsecondary education to career. In addressing these issues the council must recognize that these transitions may occur multiple times as students continue their education.

(8) The council directs the work of the office, which includes administration of student financial aid programs under RCW 28B.76.090, including the ~~((state need grant))~~ Washington college promise scholarship and other scholarships, the Washington advanced college tuition payment program, and work-study programs.

(9) The council may administer state and federal grants and programs including but not limited to those programs that provide incentives for improvements related to increased access and success in postsecondary education.

(10) The council shall protect higher education consumers including:

(a) Approving degree-granting postsecondary institutions consistent with existing statutory criteria;

(b) Establishing minimum criteria to assess whether students who attend proprietary institutions of higher education shall be eligible for the ~~((state need grant))~~ Washington college promise scholarship and other forms of state financial aid.

(i) The criteria shall include retention rates, completion rates, loan default rates, and annual tuition increases, among other criteria for students who receive ~~((state need grant as))~~ the Washington college promise scholarship in chapter 28B.92 RCW and any other state financial aid.

(ii) The council may remove proprietary institutions of higher education from eligibility for the ~~((state need grant))~~ Washington college promise scholarship or other form of state financial aid if it finds that the institution or college does not meet minimum criteria.

(iii) The council shall report by December 1, 2014, to the joint higher education committee in RCW 44.04.360 on the outcomes of students receiving ~~((state need grants))~~ Washington college promise scholarships, impacts on meeting the state's higher education goals for educational attainment, and options for prioritization of the ~~((state need grant))~~ Washington college promise scholarship and possible consequences of implementing each option. When examining options for prioritizing the ~~((state need grant))~~ Washington college promise scholarship the council shall consider awarding ~~((grants))~~ scholarships based on need rather than date of application and making awards based on other criteria selected by the council.

(11) The council shall adopt residency requirements by rule.

(12) The council shall arbitrate disputes between and among four-year institutions of higher education and the state board for community and technical colleges at the request of one or more of the institutions involved, or at the request of the governor, or from a resolution adopted by the legislature. The decision of the council shall be binding on the participants in the dispute.

(13) The council may solicit, accept, receive, and administer federal funds or private funds, in trust, or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes and functions of the council.

(14) The council shall represent the broad public interest above the interests of the individual institutions of higher education.

Sec. 25. RCW 28B.117.020 and 2018 c 232 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Apprentice" means a person enrolled in a state-approved, federally registered, or reciprocally recognized apprenticeship program.

(2) "Apprenticeship" means an apprenticeship training program approved or recognized by the state apprenticeship council or similar federal entity.

(3) "Cost of attendance" means the cost associated with attending a particular institution of higher education as determined by the office, including but not limited to tuition, fees, room, board, books, personal expenses, and transportation, plus the cost of reasonable additional expenses incurred by an eligible student and approved by a financial aid administrator at the student's school of attendance.

(4) "Federal foster care system" means the foster care program under the federal unaccompanied refugee minors program, Title 8 U.S.C. Sec. 1522 of the immigration and nationality act.

(5) "Financial need" means the difference between a student's cost of attendance and the student's total family contribution as determined by the method prescribed by the United States department of education.

(6) "Homeless" or "homelessness" means without a fixed, regular, and adequate nighttime residence as set forth in the federal McKinney-Vento homeless assistance act, 42 U.S.C. Sec. 11301 et seq.

(7) "Independent college or university" means a private, nonprofit institution of higher education, open to residents of the state, providing programs of education beyond the high school level leading to at least the baccalaureate degree, and accredited by the Northwest association of schools and colleges, and other institutions as may be developed that are approved by the student achievement council as meeting equivalent standards as those institutions accredited under this section.

(8) "Institution of higher education" means any institution eligible to and participating in the ~~((state need grant))~~ Washington college promise scholarship program.

(9) "Occupational-specific costs" means the costs associated with entering an apprenticeship or preapprenticeship, including but not limited to fees, tuition for classes, work clothes, rain gear, boots, occupation-specific tools.

(10) "Office" means the office of student financial assistance.

(11) "Preapprenticeship" means an apprenticeship preparation program recognized by the state apprenticeship council and as defined in RCW 28C.18.162.

(12) "Program" means the passport to careers program created in this chapter.

(13) "State foster care system" means out-of-home care pursuant to a dependency and includes the placement of dependents from other states who are placed in Washington pursuant to orders issued under the interstate compact on the placement of children, chapter 26.34 RCW.

(14) "Tribal court" has the same meaning as defined in RCW 13.38.040.

(15) "Tribal foster care system" means an out-of-home placement under a dependency order from a tribal court.

(16) "Unaccompanied" means a youth or young adult experiencing homelessness while not in the physical custody of a parent or guardian.

Sec. 26. RCW 28B.118.010 and 2018 c 204 s 1 and 2018 c 12 s 1 are each reenacted and amended to read as follows:

The office of student financial assistance shall design the Washington college bound scholarship program in accordance with this section and in alignment with the ~~((state need grant))~~ Washington college promise scholarship program in chapter 28B.92 RCW unless otherwise provided in this section.

(1) "Eligible students" are those students who:

(a) Qualify for free or reduced-price lunches. If a student qualifies in the seventh grade, the student remains eligible even if the student does not receive free or reduced-price lunches thereafter;

(b) Are dependent pursuant to chapter 13.34 RCW and:

(i) In grade seven through twelve; or

(ii) Are between the ages of eighteen and twenty-one and have not graduated from high school; or

(c) Were dependent pursuant to chapter 13.34 RCW and were adopted between the ages of fourteen and eighteen with a negotiated adoption agreement that includes continued eligibility for the Washington state college bound scholarship program pursuant to RCW 74.13A.025.

(2) Eligible students and the students' parents or guardians shall be notified of the student's eligibility for the Washington college bound scholarship program beginning in the student's seventh grade year. Students and the students' parents or guardians shall also be notified of the requirements for award of the scholarship.

(3)(a) To be eligible for a Washington college bound

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

scholarship, a student eligible under subsection (1)(a) of this section must sign a pledge during seventh or eighth grade that includes a commitment to graduate from high school with at least a C average and with no felony convictions. The pledge must be witnessed by a parent or guardian and forwarded to the office of student financial assistance by mail or electronically, as indicated on the pledge form.

(b)(i) Beginning in the 2018-19 academic year, the office of student financial assistance shall make multiple attempts to secure the signature of the student's parent or guardian for the purpose of witnessing the pledge.

(ii) If the signature of the student's parent or guardian is not obtained, the office of student financial assistance may partner with the school counselor or administrator to secure the parent's or guardian's signature to witness the pledge. The school counselor or administrator shall make multiple attempts via all phone numbers, email addresses, and mailing addresses on record to secure the parent's or guardian's signature. All attempts to contact the parent or guardian must be documented and maintained in the student's official file.

(iii) If a parent's or guardian's signature is still not obtained, the school counselor or administrator shall indicate to the office of student financial assistance the nature of the unsuccessful efforts to contact the student's parent or guardian and the reasons the signature is not available. Then the school counselor or administrator may witness the pledge unless the parent or guardian has indicated that he or she does not wish for the student to participate in the program.

(c) A student eligible under subsection (1)(b) of this section shall be automatically enrolled, with no action necessary by the student or the student's family, and the enrollment form must be forwarded by the department of social and health services to the office of student financial assistance by mail or electronically, as indicated on the form.

(4)(a) Scholarships shall be awarded to eligible students graduating from public high schools, approved private high schools under chapter 28A.195 RCW, or who received home-based instruction under chapter 28A.200 RCW.

(b)(i) To receive the Washington college bound scholarship, a student must graduate with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e). A student who is eligible to receive the Washington college bound scholarship because the student is a resident student under RCW 28B.15.012(2)(e) must provide the institution, as defined in RCW 28B.15.012, an affidavit indicating that the individual will file an application to become a permanent resident at the earliest opportunity the individual is eligible to do so and a willingness to engage in any other activities necessary to acquire citizenship, including but not limited to citizenship or civics review courses.

(ii) For eligible children as defined in subsection (1)(b) and (c) of this section, to receive the Washington college bound scholarship, a student must have received a high school equivalency certificate as provided in RCW 28B.50.536 or have graduated with at least a "C" average from a public high school or an approved private high school under chapter 28A.195 RCW in Washington or have received home-based instruction under chapter 28A.200 RCW, must have no felony convictions, and must be a resident student as defined in RCW 28B.15.012(2) (a) through (e).

For a student who does not meet the "C" average requirement, and who completes fewer than two quarters in the running start

program, under chapter 28A.600 RCW, the student's first quarter of running start course grades must be excluded from the student's overall grade point average for purposes of determining their eligibility to receive the scholarship.

(5) A student's family income will be assessed upon graduation before awarding the scholarship.

(6) If at graduation from high school the student's family income does not exceed sixty-five percent of the state median family income, scholarship award amounts shall be as provided in this section.

(a) For students attending two or four-year institutions of higher education as defined in RCW 28B.10.016, the value of the award shall be (i) the difference between the student's tuition and required fees, less the value of any state-funded grant, scholarship, or waiver assistance the student receives; (ii) plus five hundred dollars for books and materials.

(b) For students attending private four-year institutions of higher education in Washington, the award amount shall be the representative average of awards granted to students in public research universities in Washington or the representative average of awards granted to students in public research universities in Washington in the 2014-15 academic year, whichever is greater.

(c) For students attending private vocational schools in Washington, the award amount shall be the representative average of awards granted to students in public community and technical colleges in Washington or the representative average of awards granted to students in public community and technical colleges in Washington in the 2014-15 academic year, whichever is greater.

(7) Recipients may receive no more than four full-time years' worth of scholarship awards.

(8) Institutions of higher education shall award the student all need-based and merit-based financial aid for which the student would otherwise qualify. The Washington college bound scholarship is intended to replace unmet need, loans, and, at the student's option, work-study award before any other grants or scholarships are reduced.

(9) The first scholarships shall be awarded to students graduating in 2012.

(10) The state of Washington retains legal ownership of tuition units awarded as scholarships under this chapter until the tuition units are redeemed. These tuition units shall remain separately held from any tuition units owned under chapter 28B.95 RCW by a Washington college bound scholarship recipient.

(11) The scholarship award must be used within five years of receipt. Any unused scholarship tuition units revert to the Washington college bound scholarship account.

(12) Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the scholarship tuition units shall revert to the Washington college bound scholarship account.

Sec. 27. RCW 28B.118.090 and 2015 c 244 s 6 are each amended to read as follows:

(1) Beginning January 1, 2015, and at a minimum every year thereafter, the student achievement council and all institutions of higher education eligible to participate in the college bound scholarship program shall ensure data needed to analyze and evaluate the effectiveness of the college bound scholarship program is promptly transmitted to the education data center created in RCW 43.41.400 so that it is available and easily accessible. The data to be reported should include but not be limited to:

(a) The number of students who sign up for the college bound scholarship program in seventh or eighth grade;

(b) The number of college bound scholarship students who

graduate from high school;

(c) The number of college bound scholarship students who enroll in postsecondary education;

(d) Persistence and completion rates of college bound scholarship recipients disaggregated by institutions of higher education;

(e) College bound scholarship recipient grade point averages;

(f) The number of college bound scholarship recipients who did not remain eligible and reasons for ineligibility;

(g) College bound scholarship program costs; and

(h) Impacts to the ~~((state need grant))~~ Washington college promise scholarship program.

(2) Beginning May 12, 2015, and at a minimum every December 1st thereafter, the student achievement council shall submit student unit record data for the college bound scholarship program applicants and recipients to the education data center.

Sec. 28. RCW 28B.133.010 and 2013 c 248 s 4 are each amended to read as follows:

The educational assistance grant program for students with dependents is hereby created, subject to the availability of receipts of gifts, grants, or endowments from private sources. The program is created to serve financially needy students with dependents eighteen years of age or younger, by assisting them directly through a grant program to pursue a degree or certificate at public or private institutions of higher education, as defined in RCW 28B.92.030(4) (a) and (b) (i) and (ii), that participate in the ~~((state need grant))~~ Washington college promise scholarship program.

Sec. 29. RCW 28B.133.020 and 2004 c 275 s 73 are each amended to read as follows:

To be eligible for the educational assistance grant program for students with dependents, applicants shall: (1) Be residents of the state of Washington; (2) be needy students as defined in RCW 28B.92.030(~~((3))~~); (3) be eligible to participate in the ~~((state need grant))~~ Washington college promise scholarship program as set forth under ~~((RCW 28B.92.080))~~ chapter 28B.92 RCW; and (4) have dependents eighteen years of age or younger who are under their care.

Sec. 30. RCW 28B.145.010 and 2018 c 254 s 9, 2018 c 209 s 6, and 2018 c 114 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the opportunity scholarship board.

(2) "Council" means the student achievement council.

(3) "Eligible advanced degree program" means a health professional degree program beyond the baccalaureate level and includes graduate and professional degree programs.

(4) "Eligible county" has the same meaning as "rural county" as defined in RCW 82.14.370 and also includes any county that shares a common border with Canada and has a population of over one hundred twenty-five thousand.

(5) "Eligible education programs" means high employer demand and other programs of study as determined by the board.

(6) "Eligible expenses" means reasonable expenses associated with the costs of acquiring an education such as tuition, books, equipment, fees, room and board, and other expenses as determined by the program administrator in consultation with the council and the state board for community and technical colleges.

(7) "Eligible school district" means a school district of the second class as identified in RCW 28A.300.065(2).

(8) "Eligible student" means a resident student who received his or her high school diploma or high school equivalency certificate as provided in RCW 28B.50.536 in Washington and

who:

(a)(i) Has been accepted at a four-year institution of higher education into an eligible education program leading to a baccalaureate degree;

(ii) Will attend a two-year institution of higher education and intends to transfer to an eligible education program at a four-year institution of higher education;

(iii) Has been accepted at an institution of higher education into a professional-technical degree program in an eligible education program; ~~((or))~~

(iv) Has been accepted at an institution of higher education into a professional-technical certificate program in an eligible education program; or

(v) Has been accepted at an institution of higher education into an eligible advanced degree program and has agreed to the service obligation established by the board;

(b) Declares an intention to obtain a professional-technical certificate, professional-technical degree, ~~((or))~~ baccalaureate degree~~(([;]))~~, or an advanced degree; and

(c) Has a family income at or below one hundred twenty-five percent of the state median family income at the time the student applies for an opportunity scholarship.

(9) "Gift aid" means financial aid received from the federal Pell grant, the ~~((state need grant))~~ Washington college promise scholarship program in chapter 28B.92 RCW, the college bound scholarship program in chapter 28B.118 RCW, the opportunity grant program in chapter 28B.50 RCW, the opportunity scholarship program in this chapter, or any other state grant, scholarship, or worker retraining program that provides funds for educational purposes with no obligation of repayment. "Gift aid" does not include student loans, work-study programs, the basic food employment and training program administered by the department of social and health services, or other employment assistance programs that provide job readiness opportunities and support beyond the costs of tuition, books, and fees.

(10) "High employer demand program of study" has the same meaning as provided in RCW 28B.50.030.

(11) "Participant" means an eligible student who has received a scholarship under the opportunity scholarship program.

(12) "Professional-technical certificate" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education.

(13) "Professional-technical degree" means a program as approved by the state board for community and technical colleges under RCW 28B.50.090(7)(c), that is offered by an institution of higher education.

(14) "Program administrator" means a private nonprofit corporation registered under Title 24 RCW and qualified as a tax-exempt entity under section 501(c)(3) of the federal internal revenue code.

(15) "Resident student" has the same meaning as provided in RCW 28B.15.012.

(16) "Rural jobs program" means the rural county high employer demand jobs program created in this chapter.

(17) "Service obligation" means an obligation by the participant to be employed in a service obligation area in the state for a specific period to be established by the board.

(18) "Service obligation area" means a location that meets one of the following conditions:

(a) Has been designated by the council as an eligible site under the health professional conditional scholarship program established under chapter 28B.115 RCW;

(b) Serves at least forty percent uninsured or medicaid enrolled patients;

(c) Is located in a rural county as defined in RCW 82.14.370

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

and serves a combination of uninsured, medicaid enrolled patients, and medicare enrolled patients, equal to at least forty percent of the practice location's total patients; or

(d) Serves a public agency, nonprofit organization, or local health jurisdiction as defined in RCW 43.70.575 by providing public health services necessary to preserve, protect, and promote the health of the state's population, as determined by the board after consultation with the department of health.

Sec. 31. RCW 28B.145.030 and 2018 c 209 s 8, 2018 c 204 s 2, and 2018 c 114 s 4 are each reenacted and amended to read as follows:

(1) The program administrator shall provide administrative support to execute the duties and responsibilities provided in this chapter, including but not limited to publicizing the program, selecting participants for the opportunity scholarship award, distributing opportunity scholarship awards, and achieving the maximum possible rate of return on investment of the accounts in subsection (2) of this section, while ensuring transparency in the investment decisions and processes. Duties, exercised jointly with the board, include soliciting funds and setting annual fund-raising goals. The program administrator shall be paid an administrative fee as determined by the board.

(2) With respect to the opportunity scholarship program, the program administrator shall:

(a) Establish and manage ~~((three separate))~~ the specified accounts created in (b) of this subsection, into which to receive grants and contributions from private sources as well as state matching funds, and from which to disburse scholarship funds to participants;

(b) Solicit and accept grants and contributions from private sources, via direct payment, pledge agreement, or escrow account, of private sources for deposit into any of the ~~((three))~~ specified accounts created in this subsection (2)(b) upon the direction of the donor and in accordance with this subsection (2)(b):

(i) The "scholarship account," whose principal may be invaded, and from which scholarships must be disbursed for baccalaureate programs beginning no later than December 1, 2011, if, by that date, state matching funds in the amount of five million dollars or more have been received. Thereafter, scholarships shall be disbursed on an annual basis beginning no later than May 1, 2012, and every October 1st thereafter;

(ii) The "student support pathways account," whose principal may be invaded, and from which scholarships may be disbursed for professional-technical certificate or degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iii) The "advanced degrees pathways account," whose principal may be invaded, and from which scholarships may be disbursed for eligible advanced degree programs in the fiscal year following appropriations of state matching funds. Thereafter, scholarships shall be disbursed on an annual basis;

(iv) The "endowment account," from which scholarship moneys may be disbursed for baccalaureate programs from earnings only in years when:

(A) The state match has been made into both the scholarship and the endowment account; and

(B) The state appropriations for the ~~((state need grant))~~ Washington college promise scholarship under ~~((RCW 28B.92.010))~~ chapter 28B.92 RCW meet or exceed state appropriations for the ~~((state need grant))~~ Washington college promise scholarship made in the 2011-2013 biennium, adjusted for inflation, and eligibility for ~~((state need grant))~~ Washington college promise scholarship recipients is at least seventy percent of state median family income;

(v) An amount equal to at least fifty percent of all grants and contributions must be deposited into the scholarship account until such time as twenty million dollars have been deposited into the scholarship account, after which time the private donors may designate whether their contributions must be deposited to the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account~~((s))~~. The board and the program administrator must work to maximize private sector contributions to ~~((the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account.))~~ these accounts to maintain a robust scholarship program while simultaneously building the endowment, and to determine the division between the ~~((scholarship, the student support pathways, the advanced degrees pathways, and the endowment))~~ accounts in the case of undesignated grants and contributions, taking into account the need for a long-term funding mechanism and the short-term needs of families and students in Washington. The first five million dollars in state match, as provided in RCW 28B.145.040, shall be deposited into the scholarship account and thereafter the state match shall be deposited into the ~~((three))~~ specified accounts created in this subsection (2)(b) in equal proportion to the private funds deposited in each account, except that no more than one million dollars in state match shall be deposited into the advanced degrees pathways account in a single fiscal biennium; and

(vi) Once moneys in the opportunity scholarship match transfer account are subject to an agreement under RCW 28B.145.050(5) and are deposited in the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account under this section, the state acts in a fiduciary rather than ownership capacity with regard to those assets. Assets in the scholarship account, the student support pathways account, the advanced degrees pathways account, and the endowment account are not considered state money, common cash, or revenue to the state;

(c) Provide proof of receipt of grants and contributions from private sources to the council, identifying the amounts received by name of private source and date, and whether the amounts received were deposited into the scholarship account, the student support pathways account, the advanced degrees pathways account, or the endowment account~~((s))~~;

(d) In consultation with the council and the state board for community and technical colleges, make an assessment of the reasonable annual eligible expenses associated with eligible education programs and eligible advanced degree programs identified by the board;

(e) Determine the dollar difference between tuition fees charged by institutions of higher education in the 2008-09 academic year and the academic year for which an opportunity scholarship is being distributed;

(f) Develop and implement an application, selection, and notification process for awarding opportunity scholarships;

(g) Determine the annual amount of the opportunity scholarship for each selected participant. The annual amount shall be at least one thousand dollars or the amount determined under (e) of this subsection, but may be increased on an income-based, sliding scale basis up to the amount necessary to cover all reasonable annual eligible expenses as assessed pursuant to (d) of this subsection, or to encourage participation in professional-technical certificate programs, professional-technical degree programs, ~~((or))~~ baccalaureate degree programs, or eligible advanced degree programs identified by the board;

(h) Distribute scholarship funds to selected participants. Once awarded, and to the extent funds are available for distribution, an

opportunity scholarship shall be automatically renewed as long as the participant annually submits documentation of filing both a free application for federal student aid (FAFSA) and for available federal education tax credits including, but not limited to, the American opportunity tax credit, or if ineligible to apply for federal student aid, the participant annually submits documentation of filing a state financial aid application as approved by the office of student financial assistance; and until the participant withdraws from or is no longer attending the program, completes the program, or has taken the credit or clock hour equivalent of one hundred twenty-five percent of the published length of time of the participant's program, whichever occurs first;

(i) Notify institutions of scholarship recipients who will attend their institutions and inform them of the terms of the students' eligibility;

(j) Establish a required service obligation for participants enrolled in an eligible advanced degree program, and establish a process for verifying a participant's employment in a service obligation area; and

(k) Establish a repayment obligation and appeals process for participants who serve less than the required service obligation, unless the program administrator determines the circumstances are beyond the participant's control. If the participant is unable to pay the repayment obligation in full, the participant may enter into payment arrangements with the program administrator. The program administrator is responsible for the collection of repayment obligations on behalf of participants who fail to complete their service obligation.

(3) With respect to the opportunity expansion program, the program administrator shall:

(a) Assist the board in developing and implementing an application, selection, and notification process for making opportunity expansion awards; and

(b) Solicit and accept grants and contributions from private sources for opportunity expansion awards.

Sec. 1. RCW 28C.18.166 and 2011 1st sp.s. c 11 s 242 are each amended to read as follows:

On an annual basis, each opportunity internship consortium shall provide the board with a list of the opportunity internship graduates from the consortium. The board shall compile the lists from all consortia and shall notify the office of student financial assistance of the eligibility of each graduate on the lists to receive a ~~((state need grant))~~ Washington college promise scholarship under chapter 28B.92 RCW if the graduate enrolls in a postsecondary program of study within one year of high school graduation.

NEW SECTION. Sec. 33. The following acts or parts of acts are each repealed:

(1)RCW 28B.92.010 (State need grant program established—Purpose) and 2014 c 1 s 1, 2004 c 275 s 34, 1999 c 345 s 2, 1993 sp.s. c 18 s 2, & 1969 ex.s. c 222 s 7;

(2)RCW 28B.92.020 (State need grant program—Findings—Intent) and 2011 1st sp.s. c 11 s 158, 2003 c 19 s 11, & 1999 c 345 s 1;

(3)RCW 28B.92.050 (Powers and duties of office) and 2011 1st sp.s. c 11 s 161, 1999 c 345 s 4, 1989 c 254 s 3, & 1969 ex.s. c 222 s 11;

(4)RCW 28B.92.060 (State need grant awards) and 2012 c 229 s 558;

(5)RCW 28B.92.080 (Eligibility for state need grant) and 2015 c 121 s 1, 2012 c 229 s 605, 2009 c 238 s 9, 2007 c 404 s 1, 2004 c 275 s 39, 1999 c 345 s 6, 1989 c 254 s 5, & 1969 ex.s. c 222 s 13;

(6)RCW 28B.92.082 (Enhanced need grants—Eligibility) and 2012 c 229 s 560 & 2009 c 215 s 3;

(7)RCW 28B.92.084 (Eligibility of opportunity internship graduates) and 2011 1st sp.s. c 11 s 163 & 2009 c 238 s 8;

(8)RCW 28B.119.005 (Intent—Finding) and 2002 c 204 s 1;

(9)RCW 28B.119.010 (Program design—Parameters) and 2013 c 39 s 12, 2011 1st sp.s. c 11 s 231, 2004 c 275 s 60, 2003 c 233 s 5, & 2002 c 204 s 2;

(10)RCW 28B.119.020 (Implementation and administration) and 2011 1st sp.s. c 11 s 232 & 2002 c 204 s 3;

(11)RCW 28B.119.030 (Funding for state need grant program not impaired) and 2011 1st sp.s. c 11 s 233, 2004 c 275 s 71, & 2002 c 204 s 4;

(12)RCW 28B.119.040 (Requirements for students receiving home-based instruction not affected) and 2002 c 204 s 5;

(13)RCW 28B.119.050 (Washington promise scholarship account) and 2011 1st sp.s. c 11 s 234 & 2002 c 204 s 6; and

(14)RCW 28B.119.900 (Effective date—2002 c 204) and 2002 c 204 s 9.

NEW SECTION. Sec. 34. Sections 1 through 4 and 7 through 33 of this act take effect July 1, 2021.”

On page 1, line 3 of the title, after “scholarship;” strike the remainder of the title and insert “amending RCW 28B.92.030, 43.88C.010, 28B.10.790, 28B.12.030, 28B.92.040, 28B.92.065, 28B.15.065, 28B.15.740, 28B.15.760, 28B.15.762, 28B.15.820, 28B.116.010, 28A.180.120, 28B.76.502, 28B.76.525, 28B.76.526, 28B.76.540, 28B.76.699, 28B.77.020, 28B.117.020, 28B.118.090, 28B.133.010, 28B.133.020, and 28C.18.166; reenacting and amending RCW 28B.108.010, 28B.118.010, 28B.145.010, and 28B.145.030; adding new sections to chapter 28B.92 RCW; repealing RCW 28B.92.010, 28B.92.020, 28B.92.050, 28B.92.060, 28B.92.080, 28B.92.082, 28B.92.084, 28B.119.005, 28B.119.010, 28B.119.020, 28B.119.030, 28B.119.040, 28B.119.050, and 28B.119.900; and providing an effective date.”

MOTION

Senator Holy moved that the following amendment no. 331 by Senator Holy be adopted:

On page 2, beginning on line 7, strike all of subsections (3) and (4) and insert the following:

“(3) Subject to appropriations, the office shall exercise sound discretion in selecting financial aid recipients, prioritizing financial need and other considerations such as whether the student is a former foster youth.”

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 9, after “(2)” strike all material through “RCW 28B.92.030” on line 19 and insert “Students with family incomes between zero and fifty percent of the state median family income may be eligible to receive the maximum Washington college promise scholarship award as defined in RCW 28B.92.030. Awards for students with incomes between fifty-one and seventy percent of the state median family income shall be prorated at the following percentages of the maximum Washington college promise scholarship award amount granted to those with incomes below fifty-one percent of the state median family income”

On page 4, beginning on line 20, strike all of subsection (2)(a)

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Beginning on page 6, line 29, strike all of part II

Renumber the remaining part and sections consecutively and correct any internal references accordingly.

FIFTY FIFTH DAY, MARCH 9, 2019

2019 REGULAR SESSION

On page 41, line 33, after “**Sec. 34.**” strike “Sections 1 through 4 and 7 through 33 of this act take” and insert “This act takes”
 On page 42, at the beginning of line 3, strike “43.88C.010,”

Senator Holy spoke in favor of adoption of the amendment to the striking amendment.

Senator Palumbo spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 331 by Senator Holy on page 2, line 7 to striking amendment no. 328.

The motion by Senator Holy did not carry and amendment no. 331 was not adopted by voice vote.

MOTION

Senator Holy moved that the following amendment no. 329 by Senator Holy be adopted:

- On page 3, line 8, after “office;” strike “and”
- On page 3, line 9, after “(e)” insert “Must not have any felony convictions; and
- (f)”

Senator Holy spoke in favor of adoption of the amendment to the striking amendment.

Senator Palumbo spoke against adoption of the amendment to the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of amendment no. 329 by Senator Holy on page 3, line 8 to striking amendment no. 328.

The motion by Senator Holy did not carry and amendment no. 329 was not adopted by voice vote.

MOTION

Senator Walsh moved that the following amendment no. 330 by Senator Walsh be adopted:

- On page 3, line 19, after “(8)” insert “(a)”
- On page 3, line 21, after “office” strike all material through “rule” and insert “and the student must meet the following requirements:

- (i) Maintain a cumulative grade point average of at least a 2.5; or
- (ii) For students enrolled at The Evergreen State College, meet the requirements of The Evergreen State College’s satisfactory academic progress policy for state financial aid.
- (b) Institutions of higher education may make exemptions as necessary for family and medical emergencies”

Senators Walsh, King, Short, Braun, Hawkins and Wagoner spoke in favor of adoption of the amendment to the striking amendment.

Senators Lias and Darneille spoke against adoption of the amendment to the striking amendment.

Senator Short demanded a roll call.
 The President Pro Tempore declared that one-sixth of the members supported the demand and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Walsh on page 3, line 19, to striking amendment no.328.

ROLL CALL

The Secretary called the roll on the adoption of amendment no. 330 by Senator Walsh and the amendment was not adopted by the following vote: Yeas, 19; Nays, 26; Absent, 0; Excused, 4.

Voting yea: Senators Becker, Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, O’Ban, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Voting nay: Senators Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Excused: Senators Bailey, Carlyle, Ericksen and Hobbs.

Senators Palumbo and Holy spoke in favor of adoption of the striking amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of striking amendment no. 328 by Senators Palumbo, Frockt and Lias to Second Substitute Senate Bill No. 5393.

The motion by Senator Palumbo carried and striking amendment no. 328 was adopted by voice vote.

MOTION

On motion of Senator Palumbo, the rules were suspended, Engrossed Second Substitute Senate Bill No. 5393 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Palumbo and Frockt spoke in favor of passage of the bill.

Senators Holy and Braun spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Second Substitute Senate Bill No. 5393.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5393 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 18; Absent, 0; Excused, 4.

Voting yea: Senators Billig, Cleveland, Conway, Darneille, Das, Dhingra, Frockt, Hasegawa, Hunt, Keiser, Kuderer, Lias, Lovelett, McCoy, Mullet, Nguyen, O’Ban, Palumbo, Pedersen, Randall, Rolfes, Saldaña, Salomon, Takko, Van De Wege, Wellman and Wilson, C.

Voting nay: Senators Becker, Braun, Brown, Fortunato, Hawkins, Holy, Honeyford, King, Padden, Rivers, Schoesler, Sheldon, Short, Wagoner, Walsh, Warnick, Wilson, L. and Zeiger

Excused: Senators Bailey, Carlyle, Ericksen and Hobbs

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senator Lias announced a meeting of the Committee on Rules at the bar of the senate immediately upon adjournment.

MOTION

At 1:28 p.m., on motion of Senator Lias, the Senate adjourned until 10:00 o’clock a.m. Monday, March 11, 2019.

KAREN KEISER, President Pro Tempore of the Senate

BRAD HENDRICKSON, Secretary of the Senate

1001	Messages	4
Introduction & 1st Reading.....	1	
1011	Introduction & 1st Reading.....	1
1026	Messages	4
1049-S	Introduction & 1st Reading.....	1
1061	Introduction & 1st Reading.....	1
1062	Introduction & 1st Reading.....	2
1070	Messages	4
1148-S	Introduction & 1st Reading.....	2
1168-S	Messages	4
1177	Introduction & 1st Reading.....	2
1195-S	Introduction & 1st Reading.....	2
1216-S2	Introduction & 1st Reading.....	2
1220	Introduction & 1st Reading.....	2
1239-S	Messages	4
1251-S	Messages	4
1285	Introduction & 1st Reading.....	2
1290-S	Introduction & 1st Reading.....	2
1295-S	Introduction & 1st Reading.....	2
1324-S3E	Messages	1
1360-S	Messages	4
1377-S	Messages	4
1394-S2	Other Action.....	1
1413	Introduction & 1st Reading.....	2
1415-S	Messages	4
	1426	Introduction & 1st Reading.....
	1430-S	Introduction & 1st Reading.....
	1431	Introduction & 1st Reading.....
	1432	Messages
	1449	Introduction & 1st Reading.....
	1498-S3	Messages
	1499	Introduction & 1st Reading.....
	1528-S2	Other Action.....
	1548	Messages
	1578-SE	Messages
	1579-S2	Introduction & 1st Reading.....
	1580-S2	Introduction & 1st Reading.....
	1584-E	Messages
	1594-S	Introduction & 1st Reading.....
	1603-S2	Introduction & 1st Reading.....
	1607-S	Messages
	1674	Introduction & 1st Reading.....
	1676	Messages
	1686-S	Messages
	1692-SE	Messages
	1732-SE	Messages
	1753	Messages
	1769-S	Introduction & 1st Reading.....

1788-SE	Second Reading	6
Messages	5532-S	
1792	Second Reading	6
Introduction & 1st Reading.....	Third Reading Final Passage	6
1794-SE	5600	
Messages	Second Reading	8
1798-S	5600-S	
Introduction & 1st Reading.....	Second Reading	8, 15, 16
1826-S	5600-SE	
Other Action.....	Third Reading Final Passage	17
1856-S	5635	
Messages	Second Reading	7
1865-S	Third Reading Final Passage	7
Messages	5688	
1907-S2	Second Reading	7
Messages	5688-S	
1908	Second Reading	7
Introduction & 1st Reading.....	5688-SE	
1930-S	Third Reading Final Passage	7
Introduction & 1st Reading.....	5853	
1953-S	Second Reading	17
Introduction & 1st Reading.....	5853-S	
2018-SE	Second Reading	17
Messages	5853-SE	
2035	Third Reading Final Passage	17
Introduction & 1st Reading.....	9029 Entenman, Debra	
2038	Confirmed	4, 6
Messages	Other Action.....	6
2049-S	CHAPLAIN OF THE DAY	
Messages	Zhou, Dr. Han E., Pastor, Olympia Chinese	
2066-E	Christian Church, Lacey	1
Messages	FLAG BEARERS	
2119	Abebaw, Mr. Endalkachew.....	1
Introduction & 1st Reading.....	Thom, Miss Jessica	1
5091	GUESTS	
Second Reading	Leeman, Miss Madison, Pledge of Allegiance	
5091-S2	1
Second Reading	PRESIDENT OF THE SENATE	
5091-S2E	Remarks by the President.....	1, 5, 6
Other Action.....	Reply by the President	5
Third Reading Final Passage	PRESIDENT PRO TEMPORE OF THE	
5393	SENATE	
Second Reading	Ruling by the President Pro Tempore	16
5393-S2	WASHINGTON STATE SENATE	
Second Reading	Parliamentary Inquiry, Senator Wagoner ...	16
5393-S2E	Personal Privilege, Senator Schoesler.....	5
Third Reading Final Passage	Personal Privilege, Senator Sheldon.....	5
5532	Remarks by Senator Liias	6